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L A W S

OF

NEW HAMPSHIRE,

RELATING TO

COMMON SCHOOLS,

WITH

FORMS OF PROCEEDING AND DECISIONS.

Compiled by

NATHAN P. HUNT,

Agreeably to a resolution of the legislature passed June session, 1885.

MANCHESTER, N. H. :

JOHN B. CLARKE, PUBLIC PRINTER.

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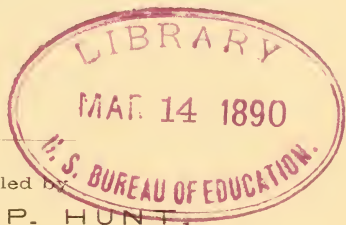
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L.P. 2,529
N 93
1886

JOINT RESOLUTION providing for the appointment of a commissioner to revise, codify, and amend the statute laws of the state relating to schools.

Resolved by the Senate and House of Representatives in General Court convened:

That the governor, with the advice of the council, be required, as soon as may be, to appoint and commission one person who shall be learned in the law to compile the public statutes of this state relating to schools, now in force, including those of the present session and frame rules and forms of proceeding in towns under said statutes, which rules and forms, when approved by the supreme court, or a majority of the judges thereof, shall be deemed valid and sufficient. Said statutes as compiled, and said rules and forms, shall be printed by the state printer and distributed by the secretary of state to the several towns on or before the first day of February, 1886. The governor and council shall allow said commissioner such sum as they deem reasonable, not exceeding three hundred dollars.

[Approved August 29, 1885.]

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NOTE.

THE undersigned, having been appointed a commissioner under the authority of the foregoing resolution of the legislature, passed June session, 1885, has prepared the following compilation of the statutes of this state relating to schools, in force March 1, 1886, with forms of proceeding in towns under the same. He has also added some of the decisions of the supreme court applicable thereto, together with such suggestions and explanations as seemed pertinent. The forms have been prepared with reference to proceedings in towns constituted single districts under the law passed by the last legislature, and have no application to districts organized under special acts of the legislature.

The forms of proceeding, as prepared, were submitted to the supreme court, at the law term in December last, for such action thereon as should be deemed proper; but grave constitutional questions arising as to the power of the court in the matter, consideration of the same was postponed to the adjourned law term to be held in March next. As the secretary of state is directed to distribute the statutes as compiled, together with the forms of proceeding, to the several towns before February 1, 1886, it becomes necessary to publish the same without the approval of the forms by the court.

It has been the endeavor of the compiler to make his work what the legislature intended by the resolution authorizing the same, and he hopes it may prove of service, not only to the district officers in the performance of their official duties, but also to all interested in the welfare and prosperity of the common schools of the state.

NATHAN P. HUNT.

MANCHESTER, January, 1886.

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CHAPTER I.

SCHOOL MONEY.

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§ 1. AMOUNT REQUIRED BY LAW. The selectmen in each town shall assess, annually, upon the polls and ratable

estate taxable therein, a sum to be computed at the rate of three hundred and fifty dollars for every dollar of the public taxes apportioned to such town, and so for a greater or less sum. — G. L., c. 85, § 1, p. 205.

The selectmen are bound to assess the amount required by law, whether the town votes to raise it or not. — *Tucker v. Aiken*, 7 N. H., 128.

When the town fails to act, the selectmen are bound to make their assessment, and commit the same to the collector seasonably. They should also require him to collect and pay over the money within a reasonable time. Having done this in good faith, it has never been the understanding in this state that it was their duty to borrow money on the credit of the town for school purposes, or to pervert trust funds to such use, or to so appropriate the funds of the town raised or collected for other, or even for general, purposes.

§ 2. TOWN MAY RAISE MORE. The town, at any legal meeting for the purpose, may raise a sum exceeding the amount aforesaid, which shall be assessed in the same manner. — G. L., c. 85, § 2, p. 205.

Where "the vote not having in terms appropriated any particular sum for schools, any portion of it intended for that purpose must be taken to be in addition to the sum the selectmen were required to assess." — *Tucker v. Aiken*, 7 N. H., 129.

No money shall be raised or appropriated at any special town-meeting, except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least one half of the number of legal voters borne on the check-list of said town at the last annual or biennial election next preceding such special meeting, and such check-list may be legally used at said meeting upon the request of ten legal voters of the town. — G. L., c. 37, § 4, p. 112, as amended by Laws of 1881, c. 69, § 2, p. 485.

§ 3. HOW APPLIED. Such sum, when collected, shall be appropriated to the sole purpose of keeping an English school or schools within such town, for teaching reading, writing, English grammar, arithmetic, geography, together with such other branches of English education as are adapted to the advancement of the school, including the purchase of necessary fuel for the school, and occasional repairs, as specified in this title. — G. L., c. 85, § 3, p. 205.

The school board of each town may use a portion of the school money, not exceeding twenty-five per cent thereof, for the purpose of conveying scholars to and from school. — Laws of 1885, c. 43, § 6, p. 253; see c. 5, § 2, *post*.

The superintending school committee [school board], and selectmen in the several towns in the state are authorized to purchase, for the use of their common schools, copies of the map of New Hampshire, not exceeding one copy for each school, and pay for the same out of any money appropriated for school purposes. — G. L., c. 89, § 13, p. 217; see § 13, *post*.

§ 4. HOW ASSIGNED. The selectmen shall assign to each district a proportion of the money thus assessed,

according to the valuation of the district for the year, or in such other manner as the town, at the annual meeting, shall direct, and shall pay over the same to the prudential committee of the district.—G. L., c. 85, § 4, pp. 205, 206.

Where the town is one district, under Laws of 1885, c. 43, the duties of prudential committee devolve upon the school board, and the money should be paid to such board.—Laws of 1885, c. 43, § 4.

Where there are one or more districts in the town not abolished by the law of 1885, the selectmen should apportion the money raised among the several districts and pay over the same to the proper officers.

The power of selectmen to apportion school money among the several school districts in a town is a continuing power, to be exercised from time to time whenever it may be necessary from changes made in the district, in order to give to each district the benefit of the tax paid by its members.—School District *v.* Sanborn, 25 N. H., 34.

The selectmen, after the money has been paid to the prudential committee, have no legal interest, and can maintain no action for it or in reference to it. School District *v.* Sherburne, 48 N. H., 56.

The selectmen should draw an order upon the town treasurer for the amount of money belonging to the district, as all disbursements of town money must be made by the treasurer in accordance with the following provisions:—

Every collector of taxes shall, on the first Saturday of every month, pay into the town treasury all moneys by him collected up to that time, and shall submit his tax-book and list to the treasurer of said town for his inspection and computation. The treasurer shall give a receipt to the collector for all money paid by him to the treasurer, who shall make all the disbursements thereof under the written authority of a majority of the selectmen, and all money received by the selectmen shall be paid by them immediately to the treasurer, who shall give them a receipt therefor, and his official bond shall be holden for the safe keeping and disbursement of the same, as in this section provided for the disbursement of money received from the collector of taxes, and the selectmen and town treasurer shall in all cases keep separate accounts of all money received and paid by them, and all money hired for the use of any town, or received from any source, except that collected by the collector of taxes, shall be received by the selectmen, and be paid by them immediately to the treasurer.—G. L., c. 40, § 9, pp. 117, 118; see also School District *v.* Morrill, 59 N. H., 367.

§ 5. **WARD'S TAX.** When the guardian and ward reside in the same town, the selectmen shall assign the tax assessed upon the ward's personal property to the school district in which the ward lives and has his home.—G. L., c. 85, § 5, p. 206.

§ 6. **NEGLECT OF SELECTMEN TO ASSESS, PENALTY.** If the selectmen of any town neglect to assess, assign, or pay over the school money as aforesaid, they shall pay for each neglect a sum equal to that so neglected to be assessed, assigned, or paid over, to be recovered by action of debt, in the name and for the use of the district, by the prudential committee [school board].—G. L., c. 85, § 6, p. 206.

This provision applies to school money raised by taxation. The selectmen are bound to assess the amount required by law, whether the town votes to raise it or not.

Every board of selectmen that neglects to assess, assign, and pay over, is liable, under this provision; but the supreme court have decided that the phrase "pay over," in connection with the provisions of § 6, *ante*, means "draw an order in writing on the treasurer."—*School District v. Morrill*, 59 N. H., 367.

This does not apply to the literary fund, railroad money, and dog tax, till they have been duly appropriated for school purposes by vote of the town.—*Ib.*

In districts composed of the whole town, under the laws of 1885, c. 43, the duties of prudential committee devolve upon the school board of such district, and the action against the selectmen should be brought by the school board.

§ 7. MISAPPLICATION, PENALTY. If the money so assigned and paid over to the prudential committee of any district is not expended by him according to law, he shall be fined a sum not exceeding twice the sum so unexpended or not legally expended, for the use of the district.—G. L., c. 85, § 7, p. 206.

As the school board of town districts have all the duties of prudential committees to perform, the members of the board would be liable under the section for expending the school money improperly.

If the prudential committee of a school district receive the money assigned to the district for the support of schools, and neglect to appropriate it to that use, the district, after his term of office has expired, may recover the money of him in an action for money had and received.—*School District v. Sherburne*, 48 N. H., 52.

The criminal prosecution is not intended as a remedy for the district to enforce their rights. The law does not leave it to the option of the school district whether the money assigned to them shall be applied to the support of schools. It is a matter of general public concern; and the design of the criminal prosecution is, not to take from school districts the right to recover their money from the delinquent committee by the ordinary legal remedy, but to compel school districts and school committees to appropriate the money raised for that purpose to the support of schools, in accordance with the policy of the law which imposes the duty of providing instruction in the public schools, whether the districts desire it or not.—*Ib.*

No court has yet held that this money can be used to pay counsel fees in the suits brought to recover, or in the prosecution of criminal proceedings, or to pay other debts of the district.

§ 8. DISTRICT MAY RAISE ADDITIONAL MONEY. Any district may raise money for the support of schools, in addition to the tax required by law, and to pay debts of the district, which, on certificate by the clerk, shall be assessed and collected as other school taxes.—G. L., c. 86, § 18, p. 208.

For any error of law or fact in the assessment, for which a person is entitled to relief, he has a remedy by appeal, mandamus, or other direct proceeding, aimed at the correction or reversal of the assessment; and for such an error he cannot maintain an action for damages against selectmen who acted in good faith. Selectmen are not liable for assessing a tax in pursuance of an unconstitutional act of the legislature, or an illegal vote of the town.—*Edes v. Boardman*, 58 N. H., 580.

The doctrine of *Edes v. Boardman* applies to the assessment and collection of taxes for school district purposes. — *Locke v. Pittsfield*, decided June Term, 1884.

It is not the duty or right of selectmen to inquire into the legality of the vote of a school district to raise money; but when such vote is certified to them by the district clerk, they should assess the tax, and a mandamus lies to enforce performance of that duty. — *School District v. Carr*, decided June Law Term, 1884, overruling *Rogers v. Bowen*, 42 N. H., 102.

§ 9. LITERARY FUND ESTABLISHED. Every banking corporation shall pay to the treasurer, on or before the second Wednesday of June annually, one half of one per cent on the amount of the actual capital stock of the bank at that time. The sums so paid shall constitute a fund to be called the literary fund, and shall be kept and accounted for by the treasurer. — G. L., c. 94, § 1, p. 226.

§ 10. SAVINGS-BANK TAX ADDED. All sums of money hereafter received from the tax on deposits in savings banks by non-resident depositors, or depositors whose residence is unknown, shall be added to and constitute a part of the literary fund, and shall be kept, accounted for, managed, assigned, and distributed according to the provisions of law applicable to the literary fund. — G. L., c. 94, § 4, p. 226.

§ 11. HOW ASSIGNED. The treasurer shall assign and distribute, in June annually, the literary fund among the several towns and places, according to the number of scholars of such towns and places, not less than five years of age, who shall, by the last report of the school committee [school board] of the several towns and places returned to the superintendent of public instruction, appear to have attended the district common schools in such towns and places for a time not less than two weeks within that year. — G. L., c. 94, § 5, p. 226.

§ 12. UNINCORPORATED PLACES. No unincorporated place shall receive such portion until a treasurer or school agent shall have been chosen to receive and appropriate the

same in the manner hereinafter directed.—G. L., c. 94, § 6, p. 226.

§ 13. HOW APPLIED. The money received by any town or place shall be applied to the maintenance of common schools, or to other purposes of education, in addition to the sums required to be raised by law, and in such manner as the town shall direct, but no district in which no school shall be kept at any time during the year shall receive any part of said money.—G. L., c. 94, § 7, p. 227.

The superintending school committee [school board] and selectmen are empowered to expend, at their discretion, for the use of the schools, one fifth part of the literary fund, which may annually be assigned any city or town, in the purchase or repair of blackboards, maps, charts, globes, dictionaries, or any apparatus which, in their judgment, will advance the educational interests of said schools; and that any unexpended portion of such fifth part on hand the first day of March annually, shall then be passed to the credit of the general school fund of such city or town for the support of schools in same during current year.—Laws of 1879, c. 53, § 1, p. 365.

Under the Laws of 1885 the school board takes the place of superintending school committee. The school board and selectmen would expend the money for the purposes above indicated.

§ 14. MISAPPLICATION. If any town or incorporated place, or the agent of any unincorporated place, shall apply any sum of money so received to any other purpose than as aforesaid, the town, place, or agent so offending shall refund double the sum so misapplied.—G. L., c. 94, § 8, p. 227.

§ 15. COLLEGE GRANT, ETC. The treasurer, in the month of June annually, shall pay the literary fund assigned to the Second College Grant and Wentworth's Location, to the prudential committee or agent of said grant and location, when duly authorized by the inhabitants therein, which shall be applied to the maintenance of common schools.—G. L., c. 94, § 9, p. 227.

§ 16. SCHOOL FUND FROM SALE OF STATE LANDS. The proceeds of the sale of the state lands, effected under the authority of a joint resolution approved June twenty-eighth, eighteen hundred and sixty-seven, shall be, and

the same hereby are, set apart as a school fund.—G. L., c. 94, § 10, p. 227.

§ 17. INCOME OF SCHOOL FUND, HOW APPLIED. The annual income of the said fund shall be applied to the purposes of common-school education, in such way and manner as the legislature may from time to time determine.—G. L., c. 94, § 11, p. 227.

The annual income of this fund under Laws of 1883, c. 73, § 4, is set apart for the support of teachers' institutes.—See c. 8, § 11, *post*.

§ 18. DOG TAX. All money arising from the taxation of dogs, remaining in the treasury of any town or city on the first day of April, annually, which has not been ordered to be paid for damages to domestic animals, agreeably to the provisions of this chapter, may be applied to the support of schools, or retained in the treasury of the town or city for the purpose of paying damages done to domestic animals, according to said statute, as the town or city council shall by vote determine.—G. L., c. 115, § 18, p. 282.

The town and not the selectmen must determine whether the money shall be applied to the support of schools or not.—*School District v. Morrill*, 59 N. H., 367.

§ 19. RAILROAD TAX. The state treasurer shall pay to each town its proportion of each railroad tax, whenever the same shall have been paid to him, to be appropriated as other town money.—G. L., c. 62, § 8, p. 160.

Under the provisions of this section towns may apply the whole or a part of the railroad money received from the state to the support of common schools.

A district being a corporation may take and hold property in trust for the support of schools in the district.

§ 20. PENALTIES RECOVERED ADDED TO SCHOOL FUND. The selectmen and school boards must pay the penalties recovered by them, in the name of and at the expense of the town, under G. L., c. 91, §§ 16, 18, p. 223, to the school district in which the penalties were incurred, and the same must be added to the school money thereof.—See c. 7, § 20, *post*.

CHAPTER II.

SCHOOL DISTRICTS.

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§ 1. TOWN TO CONSTITUTE A SINGLE DISTRICT. The division of towns into school districts heretofore existing is hereby abolished, and each town shall hereafter constitute a single district for school purposes: *provided, however,* that districts organized under special acts of the legislature may retain their present organization.—Laws of 1885, c. 43, § 1, p. 252.

§ 2. TOWN TO TAKE POSSESSION OF DISTRICT PROPERTY. Each town shall forthwith take possession of all the schoolhouses, lands, apparatus, and other property owned and used for school purposes by the said districts hereby abolished, which said districts might lawfully sell or convey. The property so taken shall be appraised by the assessors of the town, and at the next annual assessment a tax shall be levied upon the whole town equal to the amount of the whole appraisal; and there shall be remit-

ted to the tax-payers of each district the said appraised value of its property so taken. In the case of a union district, the fractional parts of which belong to different towns, the selectmen of such towns shall, acting together, appraise the school property of such union district, abolished under the provisions of this act, and shall make an equitable apportionment of the property and debts of such district, and find the balance equitably due from either of said towns to any of said towns, and order such balance to be paid within a time to be by them limited; and whenever such selectmen shall fail to agree upon the apportionment of the property and debts of such union district, they shall choose a referee, whose decision shall be final.—Laws of 1885, c. 43, § 2, p. 252.

§ 3. DISTRICT RECORDS TO BE PRESERVED. The records of the districts hereby abolished shall be preserved by the town, and returned to the several districts whenever the town shall vote to return to the district system, under the provisions of section 8 of this act.—See § 6, *post*; Laws of 1885, c. 43, § 3, p. 253.

§ 4. FIRST MEETING OF TOWN DISTRICT, HOW CALLED. The first meeting of such district so composed of the whole town by virtue of this act, shall be called by the selectmen of such town; and the clerk of such town shall act as the clerk of such district until the clerk of such district is chosen and qualified.—Laws of 1885, c. 43, § 5, p. 253.

§ 5. DISTRICTS HOLDING FUNDS. The provisions of this act shall not be applied to school districts holding funds for school purposes, in such manner as to prevent said districts from retaining and enjoying the benefit of said funds.—Laws of 1885, c. 43, § 7, p. 253.

§ 6. DISTRICT SYSTEM MAY BE RE-ESTABLISHED AFTER FIVE YEARS. Any town, after five years from the time

this act goes into effect, may, by a majority vote of all the voters of the district, re-establish the district system in such town, and shall thereafter be subject to the same laws as are now in force in this state in relation to school districts.—Laws of 1885, c. 43, § 8, p. 253.

§ 7. LAWS IN RELATION TO SCHOOL DISTRICTS SO FAR AS CONSISTENT TO CONTINUE IN FORCE. The provisions of the General Laws heretofore enacted in relation to school districts and schools shall be in force so far as the same are consistent with this act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after March 1, 1886.—Laws of 1885, c. 43, § 9, p. 253.

§ 8. SPECIAL SCHOOL DISTRICTS MAY UNITE WITH TOWN DISTRICT. That any school district organized under a special act of the legislature may, by a major vote of the qualified voters present and voting at a legal meeting duly warned for the purpose, abolish such district and unite with the town district.—Laws of 1885, c. 89, § 1, p. 286.

§ 9. POWERS OF DISTRICTS. School districts that have exercised the privileges of a district for a year shall be presumed to be legally organized; and all districts legally organized shall be corporations with power to sue and to be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts relating thereto.—G. L., c. 86, § 14, p. 208.

School districts, being enabled by law to sue and be sued, have the power to appoint and instruct agents to prosecute and defend, and may, lawfully instruct them to withdraw defenses and confess judgment.—*Deniston v. School District*, 17 N. H., 492.

They have the powers expressly granted them, and such implied powers as are necessary to enable them to perform their duties, and no more.—*Bell, J., in Harris v. School District*, 28 N. H., 62.

A school district can hold lands in trust for the support of schools, but not for the support of the ministry.—*Chapin v. School District*, 35 N. H., 445.

Tax-payers are not parties to the suits of districts, nor bound by a judgment therein, and may proceed in equity to set aside a judgment, if collusive, or to be protected against it, if it be likely to be made the instrument of injustice and oppression towards them.—Woods, J., in *Barr v. Deniston*, 19 N. H., 180.

§ 10. **MAY HIRE MONEY.** Any district may hire money for building their schoolhouses, not exceeding four fifths of the cost thereof, which shall be payable within five years, in equal portions, with the interest.—G. L., c. 86, § 15, p. 208.

The form of a note of a district may be:—

....., 188 .
 For value received, the school district of the town of
 promises to pay C D or order dollars,
 with interest annually.

School district of the town of, by its committee duly authorized.

E. F.
 G. H.
 I. J.

A person taking a note in this form should satisfy himself of the legality of the proceedings of the district.

Where an agent assumes to bind another by a promissory note, when he has no authority to do so, and his language, stripped of what he had no right to place there, imparts a promise by him personally, he is himself bound as the promisor.—*Weare v. Gove*, 44 N. H., 196.

§ 11. **TAX TO PAY FOR MONEY HIRED.** The selectmen, on application of the creditor, and on the filing of a copy of the vote and note of the district, may, in each annual tax, assess on the district one fifth of such debt and the interest, and cause the same to be collected and paid to the town treasurer, who shall pay the same on demand to the creditor.—G. L., c. 86, § 16, p. 208.

§ 12. **SCHOLARS MAY BE FURNISHED WITH SCHOOL BOOKS.** Any town or any district, at any lawful meeting, may raise money by taxation or otherwise for supplying the scholars in the common schools with suitable school books free of charge.—Laws of 1883, c. 46, § 1, p. 30.

§ 13. **REGULATIONS IN REGARD TO SCHOOL BOOKS.** Any town or any district may by vote establish suitable regu-

lations in respect thereto; and it shall be the duty of the school committee [school board] to provide such regulations in case the town or district fails to do so. — Laws of 1883, c. 46, § 2, p. 30.

§ 14. TO INSURE BUILDINGS. Any school district may procure its buildings and property to be insured against fire, and raise money therefor, and by their agent give their premium note; but no part of the school money required to be raised by law shall be taken to pay for insurance. — G. L., c. 86, § 17, p. 208.

§ 15. DISTRICTS MAY RAISE MONEY FOR SCHOOLS. Any district may raise money for the support of schools, in addition to the tax required by law, and to pay debts of the district, which, on certificate of the clerk, shall be assessed and collected as other school taxes. — G. L., c. 86, § 18, p. 208.

The vote can be reconsidered (and at an adjourned meeting), and if reconsidered before the assessment, and the selectmen certified of the fact, they have no power to assess the tax. — *Mitchell v. Brown*, 18 N. H., 315.

When such a vote is reconsidered or rescinded, the clerk ought at once to certify the facts to the selectmen.

Fees of county commissioners for services are deemed debts. — G. L., c. 88, § 8, p. 214; c. 4, § 8, *post*.

§ 16. MAY ADMIT SCHOLARS FROM OTHER DISTRICTS. Each district may determine upon what terms scholars from other districts or towns may be admitted into their schools. If the district neglect to make such determination the prudential committee [school board] may do it. — G. L., c. 86, § 19, p. 208.

A temporary residence, merely for the purpose of attending school, gives no right to attend against the will of the district. — *School District v. Bragdon*, 23 N. H., 516; see c. 7, § 1, *post*.

§ 17. SCHOLARS CLASSED. Any district may, by vote or by a committee, divide the scholars according to their age, acquirements, and residence, or either, and direct under what teachers they shall be instructed. — G. L., c. 86, § 20, p. 208. See also G. L., c. 91, §§ 3, 5; c. 7, §§ 4, 5, *post*.

§ 18. SCHOOL BOARD MAY CLASS IF DISTRICT NEGLECTS. If a district refuse or neglect to make such division, it may be made by the school committee [school board]. — G. L., c. 86, § 21, p. 208.

§ 19. DISTRICTS MAY UNITE IN SUPPORT OF SCHOOLS. Two or more contiguous districts in the same or different towns may, by concurring votes, unite in the support of their schools, and the school money of such districts may be expended in the support of schools kept in either district, agreeably to such votes. — G. L., c. 86, § 22, p. 208.

§ 20. JOINT SCHOOLHOUSES. While such schools are so united, either district may raise money to build, repair, or remove schoolhouses and their appurtenances in either district. — G. L., c. 86, § 23, p. 208.

§ 21. CORPORATE POWERS CONTINUE. The corporate powers and liabilities of any school district shall continue and remain for the purpose of receiving and disposing of the money paid for its property by the town, paying its debts, concluding any suit at law, or in equity, in which such district may be a party, collecting any debts due such district, and disposing of the proceeds thereof, and holding and enjoying the income of any money or property held in trust by virtue of any gift, devise, or bequest, for the benefit of each district, for the same purpose, and in the same manner as before, according to the terms thereof. — G. L., c. 86, § 28, p. 209.

It seems probable that the provisions of the following sections of this chapter are in force only so far as they apply to districts organized under special acts of the legislature, and which were not abolished by chapter 43 of the Laws of 1885.

§ 22. DISTRICTS DEEMED IN WHAT TOWN. Every district including land in different towns shall be deemed a district of that town in which most of the voters therein reside at its formation; but the district may, by vote

recorded in both towns, elect to which town they will belong. — G. L., c. 86, § 7, p. 207.*

§ 23. POWERS OF TOWN OFFICERS IN SUCH CASES. The selectmen, school committee, and collector of the town to which such district may be deemed to belong, shall have the same powers in respect to such district as if the whole were in that town. — G. L., c. 86, § 8, p. 207.*

§ 24. JOINT DISTRICTS ENTITLED TO SCHOOL MONEY. Every district situate in two or more towns shall be entitled to its just proportion of school taxes, income of school funds, and literary fund in each town, according to the valuation of persons and property taxable therein. — G. L., c. 86, § 13, p. 207.*

§ 25. PUPILS MAY BE CONVEYED TO SCHOOL. Any school district, by a major vote at any legal school meeting in the district, may authorize the prudential committee of said district to use a part of the school money appropriated to the district for school purposes, not exceeding ten per cent, for the conveyance to and from the school of pupils living more than one mile and a half from school. — G. L., c. 86, § 25, p. 208.*

§ 26. MAY SEND SCHOLARS TO ADJOINING DISTRICTS. School districts having less than twelve scholars to attend any term of school may, by vote, at their annual or other legal meeting called for that purpose, authorize the prudential committee to provide for the attendance of pupils at the schools of adjoining districts, the selection of such schools to be approved by the school committee of the town. And in such cases the prudential committee is authorized to appropriate an amount not exceeding ten per cent, as in section twenty-four provided [G. L., c. 86, § 24, p. 208; that is, for the conveyance to and from school

* Applies to districts organized under special acts of the legislature.

of pupils residing not less than one mile and a half from the school], and to divide the remainder of the money appropriated for the term in the district among the adjoining districts in proportion to the pupils by them received. — G. L., c. 86, § 26, pp. 208, 209.*

§ 27. MONEY EXPENDED UNDER WHOSE ORDER. All money appropriated under the provisions of sections twenty-four and twenty-five of this chapter (§§ 24 and 25, of c. 86, G. L. § 25, *ante*) shall be expended under the order and at the discretion of the officers charged with the prudential affairs of the district. — G. L., c. 86, § 27, p. 209.*

CHAPTER III.

MEETINGS AND OFFICERS OF SCHOOL DISTRICTS.

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SECTION

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§ 1. MEETINGS, HOW CALLED. Meetings of school districts shall be warned by the prudential committee [school board], by warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of meeting and the business to be acted upon. — G. L., c. 87, § 1, p. 209.

A school-district meeting cannot act excepting upon articles distinctly stated in the warrant. — *Holbrook v. Faulkner*, 55 N. H., 311.

§ 2. WARRANT, HOW SERVED. Such warrant shall be

* Applies to districts organized under special acts of the legislature.

served by posting a copy thereof, attested by the committee [school board], at the door of the schoolhouse, if there be any in the district; otherwise at one or more public places in the district, fourteen days at least prior to the day of meeting. — G. L., c. 87, § 2, p. 209.

As each town is now constituted a single district, it would seem advisable to call district meetings at the usual place of holding town meetings. (See the next section.)

§ 3. MEETINGS MAY BE HELD WHERE TOWN MEETINGS ARE HELD. Whenever any school district shall consist of the whole town, the district meetings thereof may be held at the usual place or places where the town meetings of such town are held, and the warrants for such district meetings may be posted at such places as warrants for town meetings are required by law to be posted. — Laws of 1879, c. 57, § 37, p. 372.

Town meetings are warned by posting an attested copy of the warrant at the place of meeting, and a like copy at one other public place in the town, fourteen days before the day of meeting. — G. L., c. 38, § 4, p. 114.

Inns are public places. — *Tidd v. Smith*, 3 N. H., 178.

A meeting-house is *prima facie* a public place for posting notices. — *Scammon v. Scammon*, 28 N. H., 419.

A shoemaker's shop in Deerfield was held *not* to be a "public place." — *Tidd v. Smith*, 3 N. H., 178.

Practically it is generally supposed to mean a tavern, store, or other place where people are in the habit of resorting for the transaction of business. — *Parker, C. J., Wells v. Burbank*, 17 N. H., 411.

The term public as applied to place is not an absolute but a relative term, and, as used in the statute, means nothing more than a place relatively and comparatively public, — at all events, not essentially and peculiarly less public than other places in the same town, if there be no place of common resort. *Stanley, J., Calhoun v. Coe*, 57 N. H., 595.

In towns and places where no post-office, tavern, house of public worship, or other place usually regarded as a public place, exists, the words "public place" must be construed to mean such places as, in comparison with other places in the same town, are the places where the inhabitants and others most frequently meet, or resort, or have occasion to be, so that a notice posted there would, for that reason, be likely to meet public view and attract observation. — *Russell v. Dyer*, 40 N. H., 173; same case, 43 N. H., 396.

§ 4. MEETINGS, WHEN TO BE CALLED. The prudential committee shall issue his warrant for the annual meeting, and post a copy thereof, at any time subsequent to the first Tuesday of January and prior to the second Tuesday of March, and such annual meeting shall be holden and the officers of the district chosen on or before the last day of March, and he shall issue his warrant for

special meetings upon application therefor of three or more voters of the district within ten days after such application is made. — G. L., c. 87, § 3, p. 209.

Probably a special meeting could not be called by the committee without such an application.

In districts organized under special acts of the legislature with prudential committees, it is the duty of such committees to issue and attest the warrant for meetings of the districts. If any such districts have a board of education with the powers of superintending and prudential committees, then such duty devolves upon such board. In town districts, under the Laws of 1885, c. 43, § 4, the duties of superintending and prudential committees are hereafter to be performed by the school board, therefore warrants for meetings of such districts should be issued and attested by such school board.

The *first* meeting of a district composed of the whole town, under the Laws of 1885, c. 43, must be called by the selectmen; and the town clerk acts as clerk of such district until a clerk is chosen and qualified. — Laws of 1885, c. 43, § 5. And under § 3, such meetings should be called at the usual place of holding the town meeting.

There must be fourteen days *between* the day of posting and the day of meeting.

When time is to be reckoned from any day, date, act done, or the time of any act done, either by force of law, or by virtue of any contract made since the twenty-third day of December, eighteen hundred and forty-two, such day, date, or the day when such act is done shall not be included in the computation. — G. L., c. 1, § 32, p. 46.

§ 5. JUSTICE TO CALL MEETINGS ON NEGLECT. If the prudential committee [school board] neglect to issue a warrant for such annual or special meeting, and to post a copy thereof within the respective times limited therefor, a justice, upon a like application, shall call such annual or special meeting, by issuing his warrant and causing an attested copy of it to be served in the manner before prescribed; and in case a justice shall fail to call such annual meeting in the month of March, by issuing his warrant and causing an attested copy of it to be served as aforesaid, or in case the officers of the district shall not be actually chosen at such meeting before the twentieth day of April, a vacancy shall be deemed to exist in the offices of the district. — G. L., c. 87, § 4, p. 210.

§ 6. WARRANT RETURNED TO CLERK. The warrant with a certificate thereon, verified by oath, which may be administered by the clerk of the district, that a copy thereof was posted, and at what time and place, shall be given to the clerk of the district, at or before the time of

the meeting, and shall be recorded by him in the records of the district. — G. L., c. 87, § 5, p. 210, as amended by Laws of 1879, c. 57, § 18, p. 369.

If there is no clerk, an application should be made to the selectmen to appoint one. — See § 14, *post*.

The form of the warrant when issued by the school board may be:—

THE STATE OF NEW HAMPSHIRE.

To the inhabitants of the school district in the town of ,
qualified to vote in district affairs :

You are hereby notified to meet at the in said district, on the day of March, 188 , at . . o'clock in the noon, to act upon the following subjects : —

1. To choose a moderator for the coming year.
2. To choose a clerk for the ensuing year.
3. To choose a member of the school board for the ensuing three years.
4. To hear the reports of agents, auditors, committees, or officers heretefore chosen, and pass any vote relating thereto.
5. To choose agents, auditors, and committees in relation to any subjects embraced in this warrant.
6. To see, etc.

Given under our hands at said this day of , 188 .

.	}	<i>School Board.</i>
.		
.		

The hour of the meeting should be stated.

The warrant need not have a seal. — *Thompson v. Flanders*, 21 N. H., 425.

It will be remembered that at the *first* election held in the districts comprising the whole town *three* members of the school board are to be elected, one for three years, one for two years, and one for one year, and that articles should be inserted in the warrant for the first meeting of the district for the election of a member of the school board for three years, a member for two years, and a member for one year.

The posting is to be of a copy attested as follows : —

A true copy of warrant.

Attest :	}	<i>School Board.</i>
.		
.		

The certificate of posting may be as follows : —

I certify that on the day of , 188 , I posted a copy of the written warrant attested by the school board of said

district at the place of meeting within named, and a like attested copy at , being a public place in said district.

.....

H..... ss. , 188 .

Personally appeared the said, and made oath that the above certificate, by signed, is true.

Before me,

....., *Justice of the Peace.*

The clerk should record the warrant and certificate of posting, and attest the record of each as follows :—

Received March , 188 , and recorded.

A true record. Attest :

....., *Clerk of the District.*

An application to a justice to call an annual meeting may be :—

To, *justice of the peace in the county of* :—

The undersigned, legal voters in the school district in the town of, in said county, respectfully represent that the school board of said district has neglected to issue a warrant and post a copy thereof for the annual meeting of said district for the year 18.., and they request you to call such annual meeting and insert in the warrant for the same the following articles : [Here insert articles.]

Dated at said, this day of, 188 .

[Signers.]

A warrant upon such application may be :—

THE STATE OF NEW HAMPSHIRE.

H..... ss.

To the inhabitants of the school district in the town of qualified to vote in district affairs :

Pursuant to an application of this date, by three or more legal voters of said district, to me, a justice of the peace of said county, by reason of the neglect of the school board of said district to call the annual meeting of said district for the year 18.., you are notified to meet at the in said district, on the day of March, 18.., at .. o'clock in thenoon, to act upon the following subjects : [Here insert articles as in the application.]

Given under my hand this day of, 188 .

....., *Justice of the Peace.*

As an application is essential, it is advised that the warrant show that an application was made, and that the application be recorded by the clerk of the district, with the warrant. The attestation certificate of posting and record may be as above indicated, with the required changes.

The application to the school board for a special meeting may be :

To the school board of the school district in the town of: —

The undersigned, three or more legal voters in said district, request you to issue a warrant, and post a copy thereof, for a meeting of said district, to be held at the in said district on the day of, 18.., at o'clock in thenoon, to act upon the following subjects: [Here insert articles.]

Dated at said, this day of, 188 .
[Signers.]

The form of a warrant for such special meeting may be: —

THE STATE OF NEW HAMPSHIRE.

To the inhabitants of the school district in the town of, qualified to vote in district affairs :

Pursuant to an application to me of this date, by three or more legal voters of said district, you are notified to appear at the in said district on the day of, 18.., at o'clock in thenoon, to act upon the following subjects: [Here insert articles following the application.]

Given under our hands at said, this day of, 188 .

..... }
..... } *School Board.*
..... }

The application should be recorded with the warrant.
The attestation, certificate of posting, and record may be in the form heretofore given.
If the school board actually call the meeting within ten days. but at a later date than the time specified in the application, a justice of the peace may call a meeting, upon a proper application.—Denniston v. School District, 17 N. H., 492.

The application to a justice for a special meeting may be: —

To, a justice of the peace for the county of :

The undersigned, three or more legal voters in the school district in the town of, in said county, respectfully represent that on the day of last, three or more legal voters

in said district made a written application to the school board thereof to call a meeting of said district, of which the following is a copy: [Here insert a copy of the application, including the names of the signers thereto.] Yet said school board has neglected to issue a warrant, and post a copy thereof, for such meeting, and more than ten days have elapsed since said application.

Wherefore they request you to call such meeting at the time and place and for the purposes stated in said application.

Dated at said, this day of, 188 .

[Signers.]

The signers to both applications need not be the same. — *Simpson v. Orford*, 41 N. H., 228.

The warrant under the foregoing application may be the same as for calling the annual meeting by a justice on neglect of the school board, omitting the words "the annual meeting of said district for the year 18. .," and inserting instead thereof the words, "a special meeting of said district on the . . . day of, 18"

The application should be recorded with the warrant and the attestation, certificate of posting and record made, as in other cases as heretofore indicated.

§ 7. VOTERS, WHO ARE. Any person, whether male or female, but in all other respects, except sex, qualified to vote in town affairs, may vote at school-district meetings in the district in which such person has resided and had a home three months next preceding such meeting. — G. L., c. 87, § 6, p. 210, as amended by Laws of 1879, c. 57, § 18, p. 370.

No person shall be considered as dwelling or having his home in any town for the purpose of voting or being voted for at any meeting, unless he shall have resided within such town six months next preceding the day of meeting. G. L. c. 29, § 9, p. 98.

Six months' residence would be requisite for voting.

§ 8. CHECK-LIST TO BE USED ON PETITION. Upon petition of ten legal voters in any district, presented in January to the prudential committee, he shall make, post, and correct a list of the legal voters in the district as selectmen are required to do in regard to the list of voters in their towns; and said list shall be used and checked, at the election of officers and otherwise, at the annual meeting of the district, as such list may be used in town meetings. — G. L., c. 87, § 7, p. 210.

Selectmen now have no duties to perform relating to check-lists, as by chapter 30 of the General Laws it is made the duty of the board of supervisors to

make out and post up the list of voters of the town. It is assumed that the above section refers to supervisors, as the two provisions are contained in the General Laws. In town districts, the petition must be to the school board, as they perform the duties of prudential committee.

The petition may be : —

To, school board of the school district in the town of :

The undersigned, ten and more legal voters in said district, request you to make, post, and correct a list of the legal voters in said district as the supervisors of the check-list are required to do in regard to lists of voters in their town.

Dated at said, this day of, 188 .

[Signers.]

It would be advisable to present the petition to the school board on or before the first Tuesday of January. — See § 4, *ante*.

The check-list may be : —

List of voters in the school district in the town of :

The following is an alphabetical list of all the legal voters in the school district in the town of, made and posted by the school board of said district on the day of, 188 : —

Names.

Names.

The school board of said district give notice that they will be in session, for the purpose of correcting the foregoing list, at the in said district, on the day of, 188 , at . . o'clock in thenoon, and on the day of,, 188 , at . . o'clock in thenoon.

Given under our hands, at said, this day of, 188 .

. } School Board.
. }
. }

The check-list should be posted up in two or more public places in the district fourteen days before the day of any election at which such list is required to be used. — G. L., c. 30, § 1, p. 99.

The school board should be in session for the purpose of correcting said list two days, at least, before the day of meeting, the last of which must be the day preceding the day of meeting. If there are more than six hundred legal voters in the district, the first meeting must be six days before the day of election, the hearing adjourned from day to day, and closed on the day before the day of election. — G. L., c. 30, § 4, p. 99.

Before the opening of the meeting, the school board should subscribe and make oath to the following certificate upon the back of the foregoing corrected list : —

We, the undersigned, school board of the school district in said town of, do solemnly swear, that, according to our best knowledge, the within list contains the names of those persons only who are, by actual residence, legal voters in said district. *So help us God.*

..... }
 } *School Board.*

....., ss., 188 .

Then the above named,, and, and, took and subscribed the foregoing oath.

Before me,
Justice of the Peace.

An attested copy of the foregoing check-list, as corrected, with the return thereon, should be lodged with the clerk of the district on the day of the meeting, and before the opening thereof.

The form of the certificate may be : —

We hereby certify that the foregoing is a true copy of the check-list, duly made and posted in said district as corrected by us.

..... }
 } *School Board.*

The safe course, when there is a check-list, is to use it in the election of all officers, and in the transaction of all business.

§ 9. CHECK-LIST USED ON VOTE. If any district, at an annual meeting, shall vote that a check-list shall be used at future meetings, such check-list shall be so made, posted, and corrected, and used at all meetings while such vote remains in force. — G. L., c. 87, § 8, p. 210.

§ 10. ILLEGAL VOTING PUNISHED. If any person under the age of twenty-one years, or any alien not naturalized, or any person who has not resided and had his home in the district for one month and in the town six months preceding, shall vote in any district meeting, or if any person shall give in more than one vote for any officer voted for at such meeting, he shall be fined not exceeding thirty dollars, or imprisoned not exceeding three months. — G. L., c. 87, § 9, p. 210.

§ 11. OFFICERS OF DISTRICTS. The officers of a district shall be a moderator, a clerk, and prudential committee not exceeding three, who shall be adult citizens of the district; shall be chosen by ballot by a plurality of votes, and may be either male or female; shall be sworn, and shall hold their offices for one year, or until others are elected or appointed and qualified in their stead.—G. L., c. 87, § 10, p. 210, as amended by Laws of 1879, c. 57, § 19, p. 370.

In the town district, under the Laws of 1885, chapter 43, there is no prudential committee, the school board taking the place of such committee, one member of said school board being chosen each year for the term of three years. At the *first* meeting of the district *three* members are to be chosen, one for three years, one for two years, and one for one year.—See c. 5, § 1, *post*.

The offices of prudential committee and auditor are incompatible. A person who is elected to both offices at the same meeting, and accepts the latter, thereby declines the former.—Cotton v. Phillips, 56 N. H., 220.

As the school board perform the duties of prudential committee, the same rule would apply to them.

§ 12. MODERATOR'S POWERS. The moderator of a school district shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and may administer oaths to district officers and others, when oaths are required in the district business. In case of a vacancy or absence, a moderator may be chosen at any meeting.—G. L., c. 87, § 11, p. 210.

No person chosen or appointed to any public office, under any law, shall exercise such office or perform any act therein until he shall have taken the oath of office therefor.—G. L., c. 18, § 4, p. 77.

The oath of office is as follows:—

You do solemnly swear that you will faithfully and impartially discharge and perform all the duties incumbent on you as a, according to the best of your abilities, agreeably to the rules and regulations of the constitution and laws of the state of New Hampshire. *So help you God.* — G. L., c. 41, § 2, p. 119.

The powers and duties of a moderator of town meeting are as follows:—

The moderator shall preside in and regulate the business of the meeting; may prescribe rules of proceeding, which may be altered by the town; shall decide all questions of order, and make a public declaration of all votes passed.—G. L., c. 39, § 3, p. 116.

The rules of parliamentary law, so called, are not in force for the government of town meetings, except so far as prescribed by the moderator, subject to alteration by the town.—Hill v. Goodwin, 56 N. H., 441.

When any vote, other than by ballot, declared by the moderator or other officer presiding, shall immediately, and before any other business is commenced, be questioned by seven or more of the voters present, the moderator or other officer presiding shall make the vote certain by a poll of the voters. If any moderator or other officer presiding shall willfully neglect or refuse to make any vote certain by a poll of the voters, when required as aforesaid, or shall willfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, he shall, for each offense, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months. — G. L., c. 39, § 4, p. 116.

No person shall speak in any meeting without leave of the moderator, nor when any person is orderly speaking; and all persons shall be silent at the desire of the moderator, on pain of forfeiting one dollar for each offense, for the use of the town. — G. L., c. 39, § 6, p. 116.

If any person shall conduct in a disorderly manner, and, after notice from the moderator, persist therein, or shall in any way disturb the meeting, or willfully violate any rule of proceeding, the moderator may command any constable or any legal voter of the town to remove such disorderly person from the meeting, and detain him until the business is finished. — G. L., c. 39, § 7, p. 116.

Every constable shall obey the orders and commands of the moderator for the preservation of order, and may command such assistance as is necessary; and if any constable neglect to perform any of the duties imposed by this chapter, he shall forfeit forty dollars, for the use of the town. — G. L., c. 39, § 8, p. 116.

§ 13. CLERK'S DUTIES. The clerk shall keep a true and attested record of all the doings of each meeting; shall deliver to the selectmen a certified copy of every vote to raise money, within ten days; shall make and certify copies of any votes, when required and payment therefor is tendered; and shall have the same power to administer oaths as the moderator; and if, at any meeting, the moderator is absent, or if his office has become vacant, the clerk shall act as a moderator until a moderator *pro tempore* shall be chosen; and, if the clerk is absent, a clerk *pro tempore* shall be chosen; and it shall not be deemed necessary to the choice of such officers *pro tempore* that an article shall have been inserted in the warrant for that purpose; and the choice shall be by ballot and a plurality of votes. — G. L., c. 87, § 12, pp. 210, 211.

It is the duty of the clerk to record the votes as publicly declared by the moderator. His duty in this respect is purely ministerial. — *Hill v. Goodwin*, 56 N. H., 441.

The clerk is to certify a vote for raising money, although the meeting may have adjourned to a time beyond ten days. — *Mitchell v. Brown*, 18 N. H., 315.

The certificate of the record of a vote to raise money may be: —

To the selectmen of the town of A.....:

At a meeting of the legal voters of the school district in the town

of, on the day of, 188 , at the in said district, at .. o'clock in thenoon :

The meeting was called to order by, moderator [or clerk].

Voted to raise the sum of thousand dollars for building a new schoolhouse, and procuring land and suitable furniture and apparatus and needful conveniences therefor.

.
 A true record.
 Attest :
Clerk of District.

A true copy of record.
 Attest :
Clerk of District.

The warrant and certificate of posting should first be recorded by the clerk ; then the record of the proceedings of the meeting may be : —

At a meeting of the inhabitants of the school district in the town of, qualified to vote in district affairs, holden at, in said district, on the day of, 188 , at .. o'clock in thenoon :

The meeting was called to order by, moderator [or clerk], and proceeded to the transaction of business as follows : —

1. The whole number of tickets given in for moderator was one hundred ; upon which —
 A B had twenty votes ;
 C D had thirty-five votes ;
 E F had forty-five votes ; and the said E F was declared elected moderator, and in open meeting took the oath of office by law prescribed.
2. The whole number of tickets given in for clerk was one hundred ; upon which —
 G H had thirty votes ;
 J K had thirty votes ;
 L M had forty votes ; and the said L M was declared elected clerk by the moderator, and in open meeting took the oath of office by law prescribed.
3. The whole number of tickets given in for member of the school board was one hundred ; upon which —
 N O had eight votes ;
 P R had thirty-six votes ;

S T had sixty-two votes ; and the said S T was declared elected a member of said school board by the moderator, and in open meeting took the oath of office by law prescribed.

4. Voted to raise the sum of thousand dollars to build a new schoolhouse, and procure land and suitable furniture and apparatus and needful conveniences therefor.

[Here insert all other votes, care being taken to make the record an accurate and intelligible account of the entire proceedings of the meeting.]

5. Voted to adjourn this meeting until the day of, 188 , ato'clock in thenoon, at the in said district [or, Voted that this meeting adjourn].

A true record.

Attest :

R S, *Clerk of said District.*

§ 14. VACANCIES, HOW FILLED. If a vacancy shall occur in the office of clerk or prudential committee, from any cause, the selectmen, upon application of one or more voters in such district, shall fill such vacancy ; and the officers thus appointed shall hold their offices until new ones are legally chosen and qualified.—G. L., c. 87, § 13, p. 211.

A vacancy in the school board of the town district is filled by the remaining members of the board until the next annual meeting of the district.—Laws of 1885, c. 43, § 4, p. 253. (The above section, therefore, applies in such districts only to the office of clerk.)

A vacancy may exist when the prudential committee or other officer removes from the district.—Giles v. School District, 31 N. H., 304.

Vacancies may also occur by the death or resignation of the incumbent.

The application to selectmen to fill a vacancy may be :—

To the selectmen of the town of :—

The undersigned, legal voters in the school district in said town, respectfully represent that there is a vacancy in the office of clerk in said district, and they request you to fill such vacancy.

Dated at said, this day of, 188 .

[Signers.]

The appointment may be :—

To, of the school district in the town of :—

Whereas, there is a vacancy in the office of clerk in said district,

and an application has been made to us by one or more legal voters of said district to fill such vacancy, we, having confidence in your ability and fidelity, hereby appoint you clerk of said district; and upon your taking the oath of office, and having this appointment and the certificate of said oath recorded in the records of said district, you shall have the powers, perform the duties, and be subject to the liabilities of said office.

Witness our hands, this day of, 188 .

..... } *Selectmen*
 } *of*
 }

H. ss., 188 .

Then appeared, and took the oath of office by law prescribed.

Before me,

....., *Justice of the Peace.*

The provisions of the following eight sections relate to districts organized under special acts of the legislature and are not applicable to town districts wherein the school board has all the powers of superintending and prudential committees.

§ 15. PRUDENTIAL COMMITTEE'S DUTIES. The prudential committee shall select and hire teachers for the district, provide them board, furnish necessary fuel, make such occasional repairs of the schoolhouse and furniture as may be necessary, not exceeding in amount five per cent of the school money of the district, notify the superintending school committee of the commencement and close of the schools, and give them such information and assistance as may be necessary for the performance of their duties. — G. L., c. 87, § 14, p. 211.*

§ 16. PRUDENTIAL COMMITTEE MAY BE DISMISSED. Any member of a prudential committee may be dismissed from office by the selectmen, by a written notice in hand or left at his abode, upon petition of one fourth of the legal voters of the district, alleging that he is incompetent, irresponsible, or mismanages the affairs of the district, upon four days' notice to the committee of such

* Applies to districts organized under special acts of the legislature.

petition, and a hearing thereon. — G. L., c. 87, § 15, p. 211.*

§ 17. BOARD OF EDUCATION FOR SCHOOL DISTRICTS HAVING FIFTY SCHOOL-CHILDREN. Any other school district [other than one composed of the whole town] in any town of the state, which may so elect, and in which there are fifty children of school age, or which may support a public school during not less than thirty weeks in each year, or a graded school during not less than twenty-four weeks in each year, is hereby authorized, at any legal meeting duly notified and holden for the purpose, to choose, by ballot and by a major vote of the qualified voters of the district, a board of education. — G. L., c. 87, § 17, p. 211.*

§ 18. BOARD OF EDUCATION, HOW CONSTITUTED. Such board of education shall consist of three, six, or nine persons, having the legal qualifications prescribed by law for prudential and school committees, one third of whom shall hold office for one year, one third for two years, and one third for three years from the time of the annual meeting in such district, and until others are duly chosen and qualified in their stead; the term of office of each to be determined by lot at the first meeting of the board, and a record thereof made. One third of said board shall be chosen at every annual meeting of the district after the first choice thereof, as aforesaid, by ballot and by major vote of the qualified voters of the district present and voting, to fill the vacancy that will annually occur by the expiration of office of one third of the incumbents, and to hold office for three years, and until others are chosen and qualified in their stead. Any vacancy occurring from any other cause may be filled in like manner at

a special meeting held for the purpose, otherwise at the next annual meeting; and the person chosen to fill such vacancy shall hold office during the unexpired term, and until another shall be duly chosen and qualified in his stead. — G. L., c. 87, § 18, pp. 211, 212.*

§ 19. POWERS OF BOARD OF EDUCATION. Any board of education elected according to the provisions of this chapter shall have the care and custody of all the property belonging to the district, shall employ teachers and fix their compensation, shall have the control and management of the schools of the district, and examine and allow all claims arising therefrom, and generally shall have and enjoy all the power and authority, and perform all the duties by law pertaining to the offices of prudential and school committees. — G. L., c. 87, § 19, p. 212.*

§ 20. MAY CONTRACT WITH EACH OTHER OR WITH ACADEMY. The boards of education of adjoining towns, cities, or districts, may contract with each other, or with any academy, seminary, or college, incorporated under the laws of the state, for the education of scholars in such towns, cities, or districts, upon such terms and conditions as they may agree upon. — Laws of 1885, c. 89, § 2, p. 286.*

§ 21. ORGANIZATION AND COMPENSATION. Said boards shall be sworn to the faithful performance of their duties, shall choose a president and secretary of their own number, and shall hold meetings as often as may be necessary for the discharge of their duties; and the secretary shall keep a record of all their proceedings in a book kept for that purpose at the expense of the district. They shall receive no compensation for their services except such

* Applies to districts organized under special acts of the legislature.

sums as the towns in which such boards are created may allow them for performing the duties of school committees within the districts for which they are chosen, which sums may be apportioned among them according to the services rendered by each member in that capacity. — G. L., c. 87, § 20, p. 212.*

§ 22. REPORT TO BE MADE TO DISTRICT BY BOARD OR AGENT. A report of receipts and disbursements during the year shall be made to the district at every annual meeting by said boards, or by such member of the board as they may appoint to act as treasurer, and if they so elect, to act as agent in providing fuel, furniture and other necessaries for the accommodation of the various schools of the district, who shall receive such compensation as the district may determine. — G. L., c. 87, § 21, p. 212.*

§ 23. ANNUAL REPORT TO TOWN OR SCHOOL COMMITTEE, IN WHAT CASES. It shall be the duty of said boards, in cases where the district is composed of the whole town, to make a report to the town, and in other cases to the school committees of the towns in which such boards have been organized, on or before the first day of March of each year, containing such facts as said school committee shall by law be required to report to the towns, and such other information as said school committee shall have occasion to use in making any report required by law to be made. — G. L., c. 87, § 22, p. 212.*

* Applies to districts organized under special acts of the legislature.

CHAPTER IV.

SCHOOLHOUSES.

SECTION

1. Districts may raise money for houses and lots.
2. May locate schoolhouses.
3. Powers of committee of district limited.
4. School board to locate schoolhouse if voters aggrieved.
5. Also, if district does not agree.
6. County commissioners to locate, when.
7. Proceedings before county commissioners.
8. Fees of county commissioners.
9. Vacancies in commissioners, how filled.
10. Schoolhouse lots may be enlarged, how.
11. Selectmen to appraise lot on neglect of district.

SECTION

12. Selectmen to set off school lot, when.
13. Title of lot to vest in district, when and how long.
14. Selectmen to build schoolhouse, when.
15. Schools, where to be kept.
16. District may grant use of schoolhouse for what purposes.
17. Barbed-wire fencing next school lots, penalty for.
18. Whom to prosecute for such offense.
19. Schoolhouse taxes, how assessed.
20. New invoice made, when.
21. Collector's duty on assessment after July 1.

§ 1. DISTRICTS MAY RAISE MONEY FOR SCHOOLHOUSES.

Any district, at a legal meeting holden for the purpose, may raise money for building, purchasing, renting, repairing, or removing such schoolhouses and outbuildings as the wants of the district require, procuring land for a new schoolhouse lot, or to enlarge existing lot, and providing suitable furniture and apparatus, and needful conveniences therefor. — G. L., c. 88, § 1, p. 213.

A school-district meeting cannot act excepting upon articles distinctly stated in the warrant. — *Holbrook v. Faulkner*, 55 N. H., 311.

The article in the warrant may be : —

To see what sum or sums of money the district will raise, by taxation or otherwise, for building, purchasing, renting, repairing, or removing such schoolhouses and outbuildings as the wants of the district require, procuring land, and providing suitable furniture and apparatus and needful conveniences therefor, and to procure and pay for insuring its buildings and property against fire, and to choose all necessary committees and agents therefor.

The vote should set forth specifically and distinctly the will of the district.

§ 2. DISTRICTS MAY LOCATE SCHOOLHOUSES. The district may decide upon the location of their schoolhouses, by

vote or by a committee appointed for that purpose, and purchase or procure land for the same, and may choose committees with powers to carry their votes into effect. — G. L., c. 88, § 2, p. 213.

The vote, when the district locates, may be : —

Voted to locate a schoolhouse on a lot of land in said district, owned by A B, bounded and described as follows : Beginning at a stake on the land of A B, on the westerly side of the highway, leading from to, thence running westerly rods on the land of E F, to a stake and stones, thence running southerly rods to a stake and stones, thence easterly rods to a stake and stones on said highway, thence running northerly rods on said highway to bound begun at, — containing half an acre of land ; and to pay A B, the owner thereof, the sum of fifty dollars therefor.

When the district locates by a committee, the vote may be : —

Voted, that A, B, and C be a committee to decide upon a location for a schoolhouse in said district, and purchase or procure land for the same.

Under this vote the action of the committee is final.
A majority of the committee may act. — *Keyser v. District*, 35 N. H., 477.

The report may be : —

To the school district, in the town of :

The undersigned, a committee chosen at a meeting of said district, duly called and held therefor on the day of, 188 , to decide upon the location of a schoolhouse in said district, and purchase and procure land for the same, have attended to the duty assigned them, and have located the same upon a lot of land, being a part of the homestead farm of M, in said district, bounded and described as follows : Beginning at a stake and stones on said homestead farm, on the southerly side of the highway leading from to, thence running south ten rods to a white oak tree, spotted on the northerly side, thence running east eight rods to a stake and stones, thence running north ten rods to a stone post, and thence running west on said highway to the bound begun at, — containing half an acre of land ; and have taken from said, the owner thereof, and his wife,, a homestead quitclaim

deed of said lot, in common form, to said school district, the same being a gift from said owner to said district.

Dated at, this day of, 188 .

..... }
 } *Committee.*

Form of vote when the committee is advisory :—

Voted, that A, B, and C be a committee to examine and report upon the location of a schoolhouse in said district, and the purchase or procuring of land for the same.

The action of the committee does not become the act of the district until adopted in open meeting duly held therefor.

Form of report :—

To the school district in the town of :

The undersigned, a committee duly chosen at a meeting of said district, duly called and held therefor on the day of, 188, to examine and report upon a location for a schoolhouse in said district, and the purchase or procuring of land for the same, have attended to the duty assigned them, and report, that in their judgment the best interests of said district will be promoted by locating the same upon a piece of land in said district, owned by A B, bounded and described as follows: Beginning at a stake and stones on the north side of the highway leading from to, at the southwest corner of said field, thence running north on the land of C D, rods to the land of E F, thence running east on land of said E F, rods to a stake and stones, thence running south rods to a stake and stones standing on said highway, thence running west on said highway rods to the bound begun at, — containing half an acre; and that, the owner thereof, has, by a contract in writing, under seal, executed by him, agreed to convey the same to said district, if the district so elect, within thirty days from the date thereof, by a homestead warranty deed, in common form, for the sum of dollars, dollars thereof to be paid on the delivery of said deed, and the remainder in six months thereafter.

Dated at, this day of, 188 .

..... }
 } *Committee.*

The vote upon the foregoing report may be :—

Voted, to adopt the report of said committee, and instruct them to take a deed of said land to said district, upon the terms therein set forth.

The report should be recorded at length by the clerk of the district, and be kept upon file.

§ 3. POWERS OF COMMITTEE LIMITED. No committee shall have power to bind the district beyond the amount of money voted by the district, and the district shall not be bound by any act, as a ratification of the doings of such committee beyond their authority, unless by express vote of the district at a meeting called for that purpose. — G. L., c. 88, § 3, p. 213.

§ 4. VOTERS AGGRIEVED BY LOCATION, SCHOOL BOARD DECIDE. If any three or more of the voters of a district are aggrieved by the location of any schoolhouse by the district or its committee, they may apply, by petition, to the school committee [school board], who shall hear and determine the location thereof. — G. L., c. 88, § 4, p. 213.

As the school board have all the powers of school committees, the application should be to them. — Laws of 1883, c. 43, § 4.

The following provisions of the General Laws, relating to hearings before town and district officers, are inserted in this place for convenience of reference:—

On petition to the selectmen for the laying out or altering of highways, for laying out schoolhouse lots or other lands for public use, and generally for the purpose of deciding any question affecting the conflicting rights or claims of different persons, their proceedings shall be governed by the following rules:—

They shall appoint a time and place of hearing, and order notice of such petition and hearing to be given to all persons whose property or rights may be directly affected by such proceeding, by giving to them, or leaving at their abode, an attested copy of such petition and order, fourteen days before such hearing. If the owner is a person under guardianship, notice shall be given in the same manner to his guardian. If such owner is a minor, or a person under any legal disability, the judge of probate may appoint a guardian for such person, to whom notice shall be given.—G. L., c. 43, §§ 1, 2, p. 122.

Notice shall be given to all other persons interested by posting a like copy, if it affect a town, at the usual place of the town meeting, or, if it affect a school district, on the door of the schoolhouse therein, if any; otherwise, in one or more public places in the district, and by leaving a like copy at the abode of the clerk of the town or district respectively, the like time before the hearing. The notice prescribed in this section shall be sufficient for all hearings before town officers in relation to the division or union of school districts; and in such cases further personal notice shall not be required. — G. L., c. 43, § 3, p. 122.

They shall hear all parties who desire to be heard, and examine all parties and witnesses under oath, which either of such selectmen may administer, may adjourn when they deem it necessary, and shall make their decision in writing, and cause the petition, order of notice, evidence of service, and their decision in writing to be recorded at length upon the town records, and file the original papers there; and their decisions shall be of no force or effect until the same is done. — G. L., c. 43, § 4, p. 122.

The same rules shall apply to and govern the proceedings of fence-viewers, school committees, committees appointed by the selectmen, and all town officers when they are applied to or appointed to decide any question affecting the rights or claims of individuals, saving that other or shorter notice, when required or allowed by statute, shall be sufficient. — G. L., c. 43, § 5, p. 122.

The decision of such selectmen, fence-viewers, school committee, and other committees and town officers, shall be binding and conclusive upon all parties for the term of five years, unless an appeal shall be prosecuted therefrom in cases allowed by law. — G. L., c. 43, § 6, p. 123.

A report against a laying out has never, to my knowledge, been held to be an estoppel, or conclusive against a new petition. — Cushing, C. J., in *Northern Railroad v. Enfield*, 57 N. H., 510.

No selectman or other officer shall act, in the decision of any such case, who would be disqualified to sit as a juror in the trial of a civil action in which any of the parties interested in such case was a party, from any cause except exemption from service as a juror. — G. L., c. 43, § 7, p. 123.

When any selectman or school committee shall be disqualified from acting under the provisions of section 7 of chapter 43 of the General Laws, a member of the board of selectmen or school committee of an adjoining town may, on request of the petitioners, act in place of the selectman or school committee so disqualified; Laws of 1883, c. 103, § 1, p. 82.

The general causes of disqualification appear in the following section:—

Any juror may be required by the court, on motion of any party in the cause to be tried, to answer upon oath whether he expects to gain or lose by the issue of the cause; whether he is related to either party; whether he has advised or assisted either party, or directly or indirectly given his opinion, or has formed any opinion; or is sensible of any prejudice in the cause; or whether any one of the counsel in the cause is employed by him in any action then pending in said court; and if it appears that any juror is not indifferent, he shall be set aside on that trial. — G. L., c. 213, § 23, p. 496.

If any member of the board is related to any of the parties, within the fourth degree, he is disqualified; an uncle or a brother-in-law cannot act. — *Sanborn v. Fellows*, 22 N. H., 473, 485.

The statute includes parties in interest.

The question as to whether or not any member is disqualified, must, in the first instance, be determined by the board. Their decision, however, may be corrected on *certiorari*, but not in general upon a bill in equity. — *Lane v. Morrill*, 51 N. H., 422.

Objections that any member of the board is disqualified, or has not taken the oath of office, if known to the party or his counsel, must be taken at the earliest practicable opportunity at the hearing, or they will be considered waived. — *School District v. Carr*, 55 N. H., 452.

The place of such selectman or person so disqualified shall be supplied by those who are qualified to act, by the appointment of a qualified person who has heretofore holden the same office in the town, or, in the case of committees, by a new appointment. If in any case the whole board is disqualified, the selectmen shall, in writing, so inform some justice of the supreme court, who shall thereupon, with or without notice, appoint a new board for that case from qualified persons who have before holden the same office, if such there be, otherwise from qualified persons, residents of another town, who have holden the same office. — G. L., c. 43, § 8, p. 123, as amended by Laws of 1881, c. 16, p. 449.

The purpose of the framer of the last clause clearly was, where the whole board, and all others in town who had held the same office, were disqualified, to secure the appointment, by a judge, of some qualified person in a neighboring town who had held the same office.

The form of appointment, by the members or member of the board qualified to act and jurat, may be:—

To, of the town of :

WHEREAS,, one of the selectmen [or school board] of said town of, [or district] is disqualified to act on the trial of the petition of and others for, now pending before the, because he is inter-

ested in the event of said trial by reason of his being a [or is the father, son, brother, uncle, brother-in-law, etc., of, one of the parties to said proceedings. Here set forth any other of the numerous causes of disqualification], we, the remaining member of said board qualified to act, hereby appoint you, a qualified person who has heretofore held the same office in the town, to act in his stead.

Witness hand, this day of, 188 .

..... }
..... } of
..... }

H....., ss., 188 .

Then appeared the above named, and took the oath of office by law prescribed.

Before me,

.....,
Justice of the Peace.

The appointment and jurat should be appended to the report, and recorded with it as a part of the proceedings.

Where the whole board is disqualified, the certificate of the selectmen to one of the justices of the supreme court may be: —

To, one of the justices of the supreme court :

The undersigned, selectmen of, in the county of, hereby inform you that the petition of and others, for, is now pending before the of ; that said, is interested in such petition and disqualified to act thereon [here set forth any of the numerous other causes of disqualification]: —

Wherefore we certify the same to you as provided by law, so that you may appoint a new board for said case from qualified persons who have before held the same office.

Given under our hands, this day of, 188 .

..... } *Selectmen*
..... } of
..... }

The appointment and jurat may be: —

H....., ss., 188 .

To, of the town of, in the county of

Upon due notice to all parties interested, and upon consideration of the foregoing certificate and the proofs, you are hereby appointed, as a new board for said case.

.....,
Justice of the Supreme Court.

H, ss., 188 .

Then appeared the above named, and took the oath of office by law prescribed.

Before me,

....., *Justice of the Peace.*

When two members of the board are disqualified, an appointment of a substitute by all three is invalid; but when only two of the board are disqualified, the qualified member may fill the vacancies.—Northern Railroad v. Enfield, 57 N. H., 508.

A notice issued by a board consisting of three is not invalid because one member of the board is disqualified by reason of his residence in one of the districts to be affected.—Fifield v. Swett, 56 N. H., 432.

The petition to the school board where the voters are aggrieved by the location of a schoolhouse may be:—

To the school board of the school district in the town of :

The undersigned, three or more legal voters in the school district in said town, respectfully represent, that a lot of land, described as follows [here insert boundaries and description], has been decided upon by said district for the location of a schoolhouse for said district. Your petitioners are aggrieved by the location of said schoolhouse, and request you to determine the location thereof.

Dated at said, this day of, 188 .

[Signers.]

The order of notice may be:—

A hearing upon the foregoing petition is hereby appointed at, in said district, on the day of next, at . . o'clock in thenoon; and it is ordered that the petitioners give notice of said petition and hearing to said district by posting an attested copy of said petition, and this order thereon, on the door of the schoolhouse of said district (and in two public places in said district), fourteen days at least before said day of hearing, and leaving a like copy at the abode of the clerk of said district a like time before the said day of hearing.

Given under our hands, this day of, 188 .

..... } *School Board.*
..... }
..... }

The attestation, return, and jurat may be : —

A true copy.

Attest :

I certify, that on the day of, 188 , I posted an attested copy of said petition and order on the door of the schoolhouse (and at and being two public places) in the school district within mentioned, and on the same day I left a like copy at the abode of , the clerk of said district.

H....., ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....,
Justice of the Peace.

The final order may be : —

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at o'clock in thenoon, at, in said district, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been decided upon by said district [or, by a committee of said district] for the location of their schoolhouse; and that the petitioners, being three or more legal voters in said district, are aggrieved by such location, and we therefore determine that the location of said schoolhouse shall be upon a lot of land in said district bounded and described as follows: [Here insert boundaries and description.]

Given under our hands, at, this day of, 188 .

..... } *School Board.*
..... }
..... }

The law requires that notice of matters affecting the district shall be given by posting an attested copy of the notice at the door of the schoolhouse therein, if any, and leaving a like copy at the abode of the clerk of the district. As each town now is as ingle district containing more than one schoolhouse, it would seem advisable that additional copies of the notice should be ordered posted in one or more public places in the district, or at the door of each schoolhouse in the district.

The form of record may be :—

Received and recorded, 18 , at .. o'clock in the
noon.

A true record.

Attest :

.....,

Town Clerk.

If the decision is adverse, the report, after the word "oath" may be: "We find that said petitioners are not aggrieved by such location, and we therefore make no change."

§ 5. SCHOOL BOARD TO LOCATE IF DISTRICT DO NOT AGREE.

If at a meeting duly holden for the purpose, the district do not agree upon a location for a schoolhouse, or upon a committee to locate the same, the school committee [school board], upon petition of three or more voters, shall determine the location. — G. L., c. 88, § 5, p. 213.

The petition may be :—

To the school board of the school district in the town of :

The undersigned, three or more legal voters of the school district in said town, respectfully represent that, at a meeting of said district, duly held therefor on the day of, 188 , the district failed to agree upon a location for a schoolhouse for the use of said district, or upon a committee to locate a schoolhouse for the use of said district; wherefore the undersigned request you to determine the location thereof.

Dated at said, this day of, 188 .

[Signers.]

The order of notice, attestation, return, and jurat may be as previously given.

The final order may be :—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at o'clock in thenoon, at, in said district, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witness under oath, we find that, at a meeting duly held to act upon the subject, said district failed to agree upon a location for a schoolhouse in said district, or upon a committee to locate the same, as stated in said peti-

tion, and said petitioners are three or more legal voters of said district; — we therefore determine that said location shall be upon a lot of land in said district bounded and described as follows: [Here insert boundaries and description.]

Given under our hands, at, this day of, 188 .

..... }
 } *School Board.*

The form of record may be : —

Received and recorded, 188., at o'clock in the
noon.

A true copy.

Attest : ,
Town Clerk.

If the decision be adverse, the report after the word "oath" may be: "We find that said petitioners are not aggrieved by such location, and we therefore make no change."

§ 6. VOTERS AGGRIEVED MAY APPLY TO COUNTY COMMISSIONERS. If ten or more voters of a school district are aggrieved by the location of any schoolhouse by the district or its committee, or by the superintending school committee [school board] upon proceedings before them for that purpose, they may apply by petition to the county commissioners, who shall hear and determine the location thereof. — G. L., c. 88, § 6, p. 213.

§ 7. PROCEEDINGS BEFORE COUNTY COMMISSIONERS. When any such petition is presented to the county commissioners, they shall appoint a time and place of hearing thereon, which place of hearing shall be within the district wherein the schoolhouse is to be located, and shall give notice of the time and place so appointed, by causing a copy of the petition presented to them and of the order of notice made by them thereon to be posted on the outside of the outer door of each schoolhouse in the district, if there be any in the district, and if not, in one or more public places in the district, at least fourteen days before

the time so appointed, and by causing a like copy to be given to or left at the usual place of abode of the clerk and prudential committee [school board] of the district, a like time before the time appointed for the hearing, and they may adjourn said hearing from time to time, not exceeding sixty days in all. They shall hear all parties residing in the district or having any interest in the subject-matter of the hearing who may desire to be heard, and shall make their decision in writing and file the same with the clerk of the district. While proceedings as aforesaid are pending before the county commissioners, no steps shall be taken by the district or any officers or parties whomsoever to carry into effect any former location of the schoolhouse.— G. L., c. 88, § 7, pp. 213, 214.

§ 8. FEES OF COUNTY COMMISSIONERS AND HOW PAID. The fees of the county commissioners for their services on petitions relating to the location of schoolhouses, shall be the same as on petitions relating to highways; and for making such locations shall be paid by the districts in which they are made, and school districts are hereby authorized to raise money to pay such fees the same as to pay other debts of the district.— G. L., c. 88, § 8, p. 214.

The petition may be : —

To the county commissioners for the county of :

The undersigned, being ten and more legal voters in the school district in the town of, in said county, respectfully represent that a lot of land, bounded and described as follows [here insert boundaries and description as given in the location appealed from], has been decided upon by said district [or, “by a committee of said district,” or, “by the school board of said district,” as the case may be] for the location of a schoolhouse for said district, and that your petitioners are aggrieved by such location. They therefore request you to determine the location of said schoolhouse.

Dated at said, the day of, 188 .

[Signatures.]

The order may be : —

A hearing upon the foregoing petition is hereby appointed at the schoolhouse in the school district in the town of [or, “at the hotel of A B in the school district in the town of”], on the day of, 188 , at .. o'clock in thenoon; and it is ordered that the petitioners give notice of said petition and hearing thereon by causing a copy of the petition presented to us, and order of notice made by us thereon, to be posted on the outside of the outer door of each schoolhouse in said district, if any there be, and if not, in one or more public places in said district, at least fourteen days before the time so appointed, and by causing a like copy to be given to or left at the usual place of abode of the clerk and each of the school board of said district, a like time before the time appointed for such hearing.

Given under our hands, this day of, 188 .
 } *County Commissioners*
 } *of the*
 } *County of*

The attestation may be : —

A true copy.

Attest :

The certificate of posting, service, and jurat may be : —

I certify that on the day of, 188 , I posted an attested copy of the foregoing petition and order thereon on the outside of the outer doors of all the schoolhouses in the district within mentioned [or, “in the hotel of A B, the same being one of the most public places in said district, there being no schoolhouse in said district”], and by leaving a like copy at the usual place of abode of A B, clerk, and C D, E F, and G H, school board of said district. on the day of, 188 .

.....

M..... ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....,
Justice of the Peace.

The final order may be : —

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at

.. o'clock in thenoon, at, in said district, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties residing in the district, or having any interest in the subject-matter of the hearing, who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been decided upon by said district [or, "by a committee of said district," or, "by the school board of said district," as the case may be] for the location of a schoolhouse in said district, and that the petitioners, being ten or more legal voters in said district, are aggrieved by such location; and we therefore determine and make this our decision in writing, that the location of said schoolhouse shall be upon a lot of land situated in said district [here insert the boundaries and description], and award that said petitioners recover of said school district, and that said school district shall pay our fees, taxed at dollars and cents.

Given under our hands, this day of, 188 .

..... } *County Commissioners*
 } *of the*
 } *County of*

All the proceedings should be recorded by the clerk of the district.

The form of such record may be:—

Received and recorded, 18.., at .. o'clock in thenoon.

A true record.

Attest:

.....,
Town Clerk.

If the decision is adverse, the report, after the word "oath," may be: "We find that said petitioners are not aggrieved by such location, and we therefore make no change."

§ 9. VACANCIES IN COMMISSIONERS, HOW FILLED. In all cases where, for any cause, a vacancy exists on the board of commissioners, or where any of such commissioners are disqualified from acting by reason of interest in the case, such vacancy shall be filled by the supreme court in the same manner as similar vacancies in case of laying out highways. — G. L., c. 88, § 9, p. 214.

If any commissioner is interested in any such petition, he shall not serve; but the vacancy shall be filled, upon petition of a commissioner, by any judge of the supreme court. — G. L., c. 69, § 6, p. 179.

Such petition may be:—

To, one of the justices of the supreme court:—

The undersigned, one of the county commissioners for the county of, represents that the petition of and others, being ten or more legal voters of school district No. .., in the town of, in said county, praying for the location of a schoolhouse in said district, is now pending before said commissioners; that, one of said commissioners, resides, and is a tax-payer, in said district [here set forth any other causes of disqualification], and interested in such petition and disqualified to act. Wherefore he prays that you will fill such vacancy in the manner prescribed by law.

.....

One of the County Commissioners for said County of

The appointment, to be written at the bottom of the original petition, or indorsed upon it, and jurat, may be:—

H....., ss., 188 .

To, of, in the county of

Upon considering the foregoing (or, "within") petition and the proofs, you are hereby appointed to fill said vacancy in said board of county commissioners.

Witness my hand and seal, this day of, 188 .

.....,
Justice of the Supreme Court.

M....., ss., 188 .

Then appeared the above named, and made oath that he would faithfully and impartially perform the duties of a county commissioner in the proceedings upon said petition.

Before me,

.....,
Justice of the Peace.

§ 10. SCHOOLHOUSE LOTS MAY BE ENLARGED, HOW. The school committee [school board] or county commissioners may enlarge any existing schoolhouse lot, so that it shall contain not exceeding half an acre, upon such petition to them and proceedings thereon as are required to authorize them to determine the location for a schoolhouse.—

G. L., c. 88, § 10, p. 214.

The proceedings before the school board or county commissioners, under the foregoing section, can be readily adapted from those already given.

§ 11. DISTRICT NEGLECTING TO PURCHASE, SELECTMEN TO APPRAISE. If any school district shall neglect or refuse to purchase or procure the land for a new schoolhouse lot, or to enlarge any existing lot, which may be designated in the manner provided by the school committee [school board] or county commissioners, or the owner of the land so designated shall refuse to sell the same to the district for a reasonable sum, the selectmen, upon petition to them for that purpose, shall appraise the damages to such land-owner for the taking of said land, which appraisal shall be reduced to writing and signed by the selectmen, and filed with the clerk of the district as soon as may be after it is made. If such land-owner shall be aggrieved at such appraisal, he shall have a like remedy for increase of damages by appeal as if the same were laid out for a highway, and, if his damages shall be increased upon such appeal, he shall have judgment and execution against the district for such excess and his costs. — G. L., c. 88, § 11, p. 214.

The form of the petition may be : —

To the selectmen of the town of :

The undersigned, legal voters in the school district in the town of, in the county of, represent that a lot of land therein, owned by, in the town of, in the county of, bounded and described as follows [here insert the boundaries and description], was duly designated by the school board of said district [or, “by the county commissioners of said county”] for a schoolhouse lot for said district, as provided by law; that said school district has neglected and refused, and still neglects and refuses, to purchase [or “procure”] the land for said schoolhouse lot; wherefore your petitioners request you to appraise the damages to said land-owner for the taking of said land.

Dated at, this day of, 188 .

[Signers.]

The order may be : —

A hearing upon the foregoing petition is hereby appointed at the hotel of J G, in said town of, on the day of next, at . . o'clock in thenoon ; and it is ordered that the petitioners give notice of said petition and hearing to said school district by causing an attested copy of said petition, and the order thereon, to be posted on the door of the schoolhouse in said district (and in two or more public places in said district), and by causing a like copy to be given to or left at the usual place of abode of the clerk of said district fourteen days at least before said day of hearing, and to, the land-owner within named, by giving him, or leaving at his usual place of abode, a like copy a like time before said day of hearing.

Given under our hands, this day of, 188 .

..... } *Selectmen*
 } *of*
 }

The attestation, return, and record may be : —

I certify, that on the day of, 188 , I left at the abode of, clerk of said district, and, within named, each an attested copy of the within petition, and order thereon, and on the same day posted a like copy thereof upon the schoolhouse in said district. (And at and, being two public places in said district.)

H., ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....

Justice of the Peace.

§ 12. SELECTMEN TO SET OFF SCHOOL LOT, WHEN. If the owner of the land designated as aforesaid, for a schoolhouse lot, or to enlarge any existing lot by the district or its committee, shall refuse to sell the same for a reasonable price, the selectmen, upon petition, may lay out a lot not exceeding half an acre, and appraise the damages to the owner, who shall have like remedy for increase of damages as provided in the foregoing section.—G. L., c. 88, § 12, p. 214.

The petition of the school district may be :—

To the selectmen of the town of

The school district in said town represents that a lot of land situate therein [not exceeding half an acre], bounded and described as follows [here insert boundaries and description], owned by of the town of, has been legally designated [here describe by what authority designated] for a schoolhouse lot, and that said owner refuses to sell the same to said district for a reasonable price. Wherefore said school district requests you to lay out said lot, and appraise the damages to the owner.

Dated at said, this day of, 188 .

SCHOOL DISTRICT IN

By its agents duly authorized :

A B,
C D,
E F.

The petition may also be by voters of the district.

The order may be :—

A hearing upon the foregoing petition is hereby appointed at, in the town of, on the day of next, at .. o'clock in thenoon ; and it is ordered that the petitioner give notice of said petition and hearing to the said by giving to him, or leaving at his abode, an attested copy of said petition, and this order thereon, fourteen days at least before the said day of hearing.

Given under our hands, this day of, 188 .

..... } *Selectmen*
..... } *of*
..... }

The attestation, return, and jurat may be :—

A true copy. Attest :

I certify, that on the day of, 188 , I gave to, within named [or, "I left at the abode of, within named,"] an attested copy of the within petition, and order thereon.

.....

H....., ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.,
Justice of the Peace.

The form of a final order may be : —

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at . . . o'clock in the noon, at, in the town of, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties ; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been legally designated for a schoolhouse lot, as stated in said petition, and that, the owner of said land, refuses to so sell the same for a reasonable price ; and we therefore lay out said lot, bounded and described as follows, [here insert the boundaries and description] for a schoolhouse lot, and appraise the damages to the said owner at the sum of dollars.

Given under our hands, this day of, 188 .

. } *Selectmen*
. } *of*
. }

§ 13. TITLE TO VEST IN DISTRICT, WHEN AND HOW LONG. Upon the payment or tender of the damages assessed by the selectmen as aforesaid to the land-owner, the land designated as aforesaid for a new schoolhouse lot, or an addition to an existing lot, shall vest in said district ; but shall revert to the owner, his heirs or assigns, whenever the district shall vote to discontinue the use thereof, or shall cease to use the same for a schoolhouse two years successively. — G. L., c. 88, § 13, pp. 214, 215.

§ 14. SELECTMEN TO BUILD SCHOOLHOUSE, WHEN. If any district shall refuse or neglect to build, repair, remove, or fit up a schoolhouse, or shall refuse or neglect to build such schoolhouse upon or to remove it to the lot designated as aforesaid, the selectmen, upon petition of three or more voters of the district, after hearing the parties,

may assess upon the district and collect such sums of money as may be necessary, and therewith cause such schoolhouse to be built, removed, repaired, or fitted up. — G. L., c. 88, § 14, p. 215.

The selectmen under this section have authority to pay the land damages for the lot, and accept a release for the benefit of the district.

The district neglecting and refusing to take any action in regard to building or removing, the selectmen must determine what the needs of the district require, and build anew or remove the old schoolhouse accordingly. The selectmen have authority also, under this section, to build a schoolhouse on a lot established by the county commissioners, the district having unreasonably neglected and refused to build. — *Holbrook v. Faulkner*, 55 N. H., 311.

The form of a petition may be : —

To the selectmen of :

The undersigned, three and more legal voters of the school district in said town, respectfully represent, that on the day of, last, the schoolhouse in said district known as the schoolhouse, was destroyed by fire and said district has refused and unreasonably neglected to build a schoolhouse in place of the same. Wherefore they request you to assess a tax upon said district, and collect such sum of money as shall be necessary, and therewith cause a suitable schoolhouse for said district to be erected therein.

Dated at, the day of, 188 .

[Signatures.]

The order may be : —

A hearing upon the foregoing petition is hereby appointed at, in the town of, on the day of, 188 , at o'clock in thenoon ; and it is ordered that the petitioners give notice of said petition and hearing to said district by causing an attested copy of this petition, and order thereon, to be posted on the door of the schoolhouse in said district, (and in two or more public places in said district,) fourteen days at least before said day of hearing, and causing a like copy to be given to or left at the usual place of abode of the clerk of said district a like time before the said day of hearing.

Given under our hands, this day of, 188 .

..... } *Selectmen*
 } *of*
 }

The attestation, return, and jurat may be : —

A true copy.

Attest :

.....

I certify that on the day of, 188 , I gave to A B, clerk of said district, an attested copy of the within petition and order thereon, and on the same day I posted a like copy at the door of the schoolhouse, in said district. (and like copies at and, being two public places in said district).

H....., ss....., 188 . Then appeared , and made oath that the above certificate by him signed is true.

Before me,

.....,
Justice of the Peace.

The final order may be:—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at ... o'clock in the noon, at in the town of, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that said schoolhouse was destroyed by fire as aforesaid, and that said district has refused and neglected to build a schoolhouse therein in place thereof, and that said petitioners are legal voters thereof, as stated in said petition; and we therefore assess upon said district, and order to be collected, the sum of dollars and cents therewith to cause a schoolhouse to be built.

Given under our hands, at, this day of, 188 .

..... } *Selectmen*
..... } *of*
..... }

The form of record may be:—

Received and recorded 188 , at o'clock in the noon.

A true record.

Attest:

.....,
Town Clerk.

Where there is a neglect or refusal to fit up and repair, the form of the petition may be:—

To the selectmen of the town of :

The undersigned, three and more legal voters of the school district, in said town, respectfully represent that the schoolhouse in said district is and for a long time has been out of repair, insufficient, and unsuitable, and that said district has refused and neglected to fit up and repair the same. Wherefore they pray that you

will assess upon said district, and collect such sum of money as may be necessary therefor, and therewith cause said schoolhouse to be fitted up and repaired.

Dated at said , this day of , 188 .

[Signatures.]

The order, service, and return may be as under the cases given above.

The final order may be as in the cases heretofore given, but following this petition.

Where the district has refused or neglected "to remove," the preceding form may be used, making the necessary changes in the petition and final order.

Where the district has neglected or refused to build a house upon or to remove it to the lot "designated," the petition may be:—

To the selectmen of the town of :

The undersigned, three and more legal voters of the school district , in said town, respectfully represent, that, on the day of , 188 , a lot of land, situate in said district, bounded and described as follows, [insert boundaries and description] was legally designated for the location of a schoolhouse, but said district have refused and neglected to build a schoolhouse upon said lot [or, "have refused and neglected to remove their schoolhouse to said lot"]; wherefore they request you to assess upon said district, and collect such sum of money as may be necessary, and therewith cause a schoolhouse to be built upon said lot [or, "and therewith cause the schoolhouse of said district to be removed to said lot"].

Dated at said , this day of , 188 .

(Signatures).

Order of notice, return, and jurat may be the same as in the forms given.

The final order may be:—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof as aforesaid, and on the day of , 18, at . . . o'clock in the noon, at , in the town of , the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot described in said petition was legally designated for the location of a schoolhouse; that said petitioners are legal voters of said district; and that said district has refused and neglected to build a schoolhouse upon said lot [or, "has refused and neglected to remove said schoolhouse to said lot"]; and we therefore assess upon said district, and order to be collected, the sum of dollars and cents, therewith to

cause a schoolhouse to be built upon said lot [or, "therewith to cause said schoolhouse to be removed to said lot"].

Given under our hands, at, this day of, 188 .

..... } *Selectmen*
 } *of*
 }

§ 15. SCHOOLS, WHERE KEPT. No district school shall be kept in any other place than the schoolhouse belonging to the district, unless there is no schoolhouse, or the schoolhouse is out of repair, or not of sufficient size to accommodate the scholars; in which case the prudential committee, with the consent of the school committee, may provide suitable rooms and conveniences for the use of the scholars at the expense of the district.—G. L., c. 88, § 15, p. 215.

In town districts the school board, having all the powers of superintending school committee and prudential committee, would provide a suitable place for the school on their own motion.

§ 16. DISTRICT MAY GRANT USE OF SCHOOLHOUSE FOR WHAT PURPOSES. Any school district may grant the use of any schoolhouse in such district for a writing or singing school, and for religious and other meetings; *provided*, such use shall not conflict with any regular school exercise, and that the persons so using any schoolhouse shall be liable for all damages to the same, and to all property therein.—G. L., c. 88, § 19, p. 215.

§ 17. PENALTY FOR USING BARBED-WIRE FOR FENCING NEXT TO SCHOOL LOTS. If the owner or occupant of any land adjoining land owned or occupied by any town or school district for school purposes, erects, keeps, or maintains any barbed-wire fence, to separate or divide said lands, he shall be fined not exceeding twenty-five dollars.—Laws of 1885, c. 55, § 1, p. 261.

§ 18. WHOM TO PROSECUTE. The selectmen of every town, and prudential committee [school board] of every

school district, shall prosecute at the expense of the town or district, as the case may be, any violations of the previous section. — Laws of 1885, c. 55, § 2, p. 261.

§ 19. SCHOOLHOUSE TAXES, HOW ASSESSED. In the assessment of schoolhouse taxes, every person shall be taxed in the district in which he lives for his poll and the personal estate which he has subject to taxation in town; and all real estate shall be taxed in the district in which it is. — G. L., c. 88, § 16, p. 215.

§ 20. NEW INVOICE, MADE WHEN. The selectmen may make a new invoice of all the property in the district, when necessary for the just assessment of the schoolhouse taxes. — G. L., c. 88, § 17, p. 215.

The selectmen are not bound to make a new invoice for the assessment of schoolhouse taxes when changes in the ownership of property within the district occurred between the taking of the annual invoice, on the first day of April, and the making of the assessment; but they may assess the tax upon the April invoice. — *Rogers v. Bowen*, 42 N. H., 102.

§ 21. COLLECTOR'S DUTY WHEN TAX ASSESSED ON PROPERTY OF NON-RESIDENTS AFTER JULY 1. If such taxes are assessed after the first day of July in any year upon the property of non-residents, the collector shall send to the owners of said property, or their agents if known, a bill of their taxes within two months after the delivery of the list to him, and shall, at the expiration of four months after the delivery of said list to him, advertise the property on which the taxes have not been paid for sale in the same manner, and such further proceedings may be had in relation thereto, as if such tax had been assessed in April preceding. — G. L., c. 88, § 18, p. 215.

CHAPTER V.

SCHOOL BOARD, TEACHERS, AND TRUANT OFFICER.

SECTION

1. School board to perform duties of superintending and prudential committees.
2. To provide schools.
3. To hire teachers.
4. To examine teachers and give certificate.
5. Teachers to be examined in what branches.
6. School board may prescribe other branches.
7. Teacher not to be employed or paid without certificate.
8. Teacher dismissed on petition.
9. Teacher incapable dismissed.
10. Notice of dismissal to be given.
11. School board may prescribe rules for schools.
12. Text-books to continue in use five years.
13. Text-books may be changed, when.
14. School board and selectmen may purchase school apparatus.
15. Parents of scholars to provide books.

SECTION

16. School register to be kept by teacher.
17. Teacher to return register to school board.
18. School board to visit and examine schools.
19. One of school board may be chosen to visit schools.
20. School board to make report annually to town.
21. School board may elect truant officer.
22. Tenure of office of truant officer.
23. Duties in regard to truants.
24. Duties in regard to children in manufacturing establishments.
25. School board, pay of.
26. School day, week, and month, what constitutes.
27. Teachers may attend institutes.
28. Superintendent of schools may be elected, when.
29. Selectmen to make enumeration of children.

§ 1. SCHOOL BOARD TO PERFORM DUTIES OF SUPERINTENDING AND PRUDENTIAL COMMITTEES. The duties heretofore devolving upon superintending and prudential committees shall hereafter be performed by a school board of three persons in each town, to be chosen by ballot at the annual school meeting, and to hold office for three years; *provided, however*, that at the first election under this act, one person shall be chosen for three years, one person for two years, and one person for one year, and thereafter one person shall be chosen each year; and said board shall have power at any time to fill its own vacancies until the next annual meeting of the district. — Laws of 1885, c. 43, § 4, p. 253.

§ 2. TO PROVIDE SCHOOLS. The said school board of each town shall provide schools within the limits of said town, at such places and times as in their judgment shall

best subserve the interests of education, and as shall give all the scholars of the town as nearly equal advantages as may be practicable, and said school board may use a portion of the school money, not exceeding twenty-five per cent thereof, for the purpose of conveying scholars to and from such schools. — Laws of 1885, c. 43, § 6, p. 253.

§ 3. TO HIRE TEACHERS, ETC. The prudential committee [school board] shall select and hire teachers for the district, provide them board, furnish necessary fuel, and make such occasional repairs of the schoolhouse and furniture as may be necessary, not exceeding in amount five per cent of the school money of the district, — G. L., c. 87, § 14, p. 211.

The practice of "bidding off" the board is illegal and reprehensible. The district cannot by vote deprive the committee of the power to provide board for teachers. — *School District v. Carrier*, 45 N. H., 573.

The school board is the trustee of the district, and as such holds its funds, and cannot hire themselves to teach, or otherwise contract with themselves. — See *Fisher v. Concord Railroad*, 50 N. H., 205.

It is the duty also of the school board when a copy of an execution against the district is left with them, to pay the same, or call a meeting of the voters of the district, at which meeting they shall vote to raise the necessary sum to satisfy said execution and the officer's fees thereon; and the clerk of the district shall certify the same to the selectmen, who shall forthwith assess a tax for said sum. — G. L., c. 239, § 5, p. 552.

§ 4. TEACHERS TO BE EXAMINED. The school committee [school board] shall examine all persons proposing to teach school in the town, who shall produce satisfactory evidence of good moral character and of suitable temper and disposition for teachers, in such branches as are usually taught in the class of schools in which they propose to teach, and as to their capacity for governing the same; and if found competent they shall give them certificates thereof, setting forth the branches they are found capable of teaching. — G. L., c. 89, § 3, p. 216.

§ 5. IN WHAT BRANCHES. Teachers of common schools shall be examined in reading, spelling, writing, English grammar, arithmetic, geography, and the elements of history, and in physiology and hygiene with special refer-

ence to the effects of alcoholic drinks, stimulants, and narcotics upon the human system, and in other branches usually taught in said schools. — G. L., c. 89, § 4, p. 216, as amended by Laws of 1883, c. 37, § 1, p. 24.

§ 6. OTHER BRANCHES PRESCRIBED. The school committee [school board] may prescribe for any school, when in their judgment it shall be proper, the study of surveying, geometry, algebra, book-keeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies, and teachers proposing to teach in such schools shall be examined in those branches in addition to those required of other teachers. — G. L., c. 89, § 5, p. 216, as amended by Laws of 1883, c. 37, § 2, p. 24.

The form of a certificate of good moral character, etc., may be:—

To whom it may concern :

This certifies that we are well acquainted with of this town, and that, in our belief and judgment, he is a person of good moral character, and of suitable temper and disposition for a teacher.

A....., N. H.,, 188 .

.....
.....

The committee are not hampered by technical rules. If satisfactory to them, the evidence may be either oral or in writing.

The form of a teacher's certificate may be:—

This certifies that has produced to us satisfactory evidence of h good moral character; that he is of suitable disposition and temper for a teacher; that he has the requisite capacity for the government of schools; and, upon due examination, we find h well qualified to instruct in reading, writing, spelling, English grammar, arithmetic, and the elements of geography and history, and [here specify the other branches, if any, prescribed or required to be taught].

In witness whereof we have hereunto set our hands, at, N. H., this day of 188 .

..... } School
..... } Board of
..... }

If other branches than those mentioned are to be taught, the certificate should specify them. It should in all cases specify the branches which the applicant is found competent to teach and is expected to teach.

§ 7. CERTIFICATE OF QUALIFICATION REQUIRED. No person shall be employed or paid for services as a teacher, unless he shall produce and deliver to the prudential committee a certificate of the school committee of the town in which the district where the school is to be kept is, or is deemed to be, that he is well qualified to instruct youth in the branches to be taught in such school. — G. L., c. 89, § 6, p. 216.

As the school board in town districts perform all the duties of both superintending and prudential committees, it would seem proper that the board should furnish the teacher with the certificate after examination, if found competent, and receive it back from the teacher before paying him for his services. It would then be well for the board to hand the certificate to the clerk of the district for preservation. Regularly, the teacher should first be examined and obtain the proper certificate, and then make the contract; but in practice the contract is usually made first, and then the examination and certificate follow, whereupon the teacher enters upon the discharge of his duties.

If the teacher commences his school without such certificate and its delivery or tender, upon the application of any person interested as a tax-payer in the district, the court will restrain the district and its committee, or agent, by injunction, from paying such teacher for services rendered before he obtained and delivered or tendered the proper certificate. — *Barr v. Deniston*, 19 N. H., 170.

If a person teaches a district school without the certificate required, however defective his title to the office of public teacher for that reason may be, still his authority to govern the school cannot on that ground be contested by scholars who attend the school or parents who send their children to it. — *Kidder v. Chellis*, 59 N. H., 473.

In deciding this case, Smith J. says: "Although not for all purposes the teacher of a public school, he was the teacher of a public or private school for the purpose of governing the school as against persons who chose to be members of the school; and for any misgovernment or maladministration in prescribing studies or requiring educational exercises, the law provided ample remedies."

§ 8. TEACHER DISMISSED ON PETITION. The school committee [school board], upon petition of a majority of the legal voters in any district for the dismissal of a teacher, after giving to the parties twenty-four hours' notice and a hearing, may dismiss him, if in their judgment such dismissal will best promote the interests of the district. — G. L., c. 89, § 7, p. 217.

The form of a petition may be:—

To the school board of :

The undersigned, a majority of the legal voters in the school dis-

trict in the town of, respectfully represent that the dismission of, who is a teacher in said district, will best promote the interests of the district, and they therefore request that he may be dismissed.

Dated at said, this day of, 188 .

[Signers.]

The form of the order may be :—

A hearing upon the foregoing petition is hereby appointed at the in said district, on the day of, 188 , at .. o'clock in thenoon ; and it is ordered that the petitioners give notice of said petition and hearing to the said, by giving him, or leaving at his abode, an attested copy of said petition, and this order thereon, at least twenty-four hours before the said day of hearing.

Given under our hands, at, this day of, 188 .

..... } *School Board*
 } *of*
 }

The copy may be attested by the first petitioner, or other person, serving the same, as follows :—

A true copy.

Attest :

The return may be :—

I hereby certify, that on the day of, 188 , I gave to, within named, [or, “ left at the abode of, within named,”] an attested copy of the within petition, and order thereon.

H., ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,,
Justice of the Peace.

The final order may be :—

Upon the foregoing petition, we appointed a hearing, and gave notice thereof, as aforesaid, and on the day of, 188 , at .. o'clock in thenoon, at the in said district, the

time and place appointed, [here insert the names of those who appeared as parties] appeared as parties; and, having heard all parties who desired to be heard, and examined them and their witnesses under oath, in our judgment the interests of said district will be promoted by the dismissal of said; and a majority of the legal voters of said district having petitioned for his dismissal as aforesaid, said teacher is hereby dismissed.

Given under our hands, at said, this day of, 188 .

..... } School Board
..... } of
..... }

The clerk of the district should record the entire proceedings, and certify the record of each separate part as follows: —

Received and recorded, 188 , at .. o'clock in the noon.

A true record.

Attest : ,
Clerk.

The filing upon the papers may be: —

Received and recorded, 188 .

By me, ,
Clerk.

§ 9. TEACHER INCAPABLE DISMISSED. The school committee [school board] shall without a petition dismiss any teacher who is found by them incapable or unfit to teach, or whose services are found unprofitable to the school, or who shall not conform to the regulations prescribed by them. — G. L., c. 89, § 8, p. 217.

This section does not contemplate a petition or any formal notice.

The order of dismissal may be: —

Whereas, the services of , employed as a teacher in this school district are found by us to be unprofitable to the district [or, “..... is found by us incapable or unfit to teach;” or, “..... does not conform to the regulations prescribed by us ”], said teacher is hereby dismissed.

Witness our hands, at, this day of, 188 .

..... } *School Board*
 } *of*
 }

The record and filing should be the same as under the preceding.

§ 10. NOTICE OF DISMISSION. The school committee, [school board] upon dismissal of any teacher, shall give immediate notice thereof to the teacher and prudential committee; and the teacher shall receive no pay for his services after such notice. — G. L., c. 89, § 9, p. 217.

As there are no prudential committees in town districts, there can be no notice to them.

The notice to the teacher may be : —

To, a teacher in the school district in the town of :

You are hereby notified that you have this day been dismissed.

Witness our hands, at said, this day of, 188 .

..... } *School Board*
 } *of*
 }

The certificate of service may be : —

I certify that on the day of, 188 , I gave the within named [or, “I left at the abode of the within named”] the original notice of which the within is a true copy.

.....

H. ss., 188 .

Then appeared, and made oath that the above certificate signed by him is true.

Before me,

.....
Justice of the Peace.

The original should be served; and the copy and return may be recorded by the clerk of the district.

§ 11. SCHOOL BOARD MAY PRESCRIBE RULES. The school committee [school board] may prescribe suitable rules

and regulations for the attendance on, management, studies, classification, and discipline of, the schools whenever they deem the same necessary, *provided* that physiology and hygiene, including special reference to the effects of alcoholic stimulants and narcotics upon the human system, shall be prescribed in all schools sufficiently advanced; and said regulations and rules being recorded by the town clerk, and a copy thereof given to the teachers and read in the schools, shall be binding upon scholars and teachers. — G. L., c. 89, § 10, p. 217, as amended by Laws of 1883, c. 37, § 3, p. 24.

The form of school regulations may be : —

SCHOOL REGULATIONS IN THE TOWN OF

1. Scholars may be required to build the fires, keep the rooms of a suitable temperature, sweep, and keep them clean.

2. Scholars shall be answerable for all misconduct during school hours, in going to and returning from school, and for all acts which have a direct and immediate tendency to injure the school and subvert the authority of the teachers.

3. The advanced classes shall have written exercises in spelling each day.

4. Essays, declamations, or recitations shall be required of the most advanced classes as often as once in two weeks.

5. No scholar shall pursue more than three studies at the same time, aside from reading and spelling.

6. No child under the age of four years shall attend any school.

7. Teachers shall prescribe such rules for the use of the school yards and outbuildings as shall insure their being kept in a neat and proper condition.

8. Instruction shall be given in physiology and hygiene, with special reference to the effects of alcoholic stimulants and narcotics upon the human system, in all schools containing scholars over ten years of age.

9. All schools shall have a recess of at least fifteen minutes in the forenoon and afternoon.

Witness our hands, at, this day of, 188 .

..... }
 } *School Board.*

Received and recorded, , 188 , at . . o'clock in the noon,
A true record.

Attest:
Town Clerk.

The filing may be : —

Received and recorded, , 188 , by me,
. ,
Town Clerk.

The school board may determine the vacations. — *School District v. Lowd*, 12 Gray, 61.

Ordinarily the supervision and control of the teacher over the pupil extends from the time he leaves home to go to school till he returns.

Though a schoolmaster has in general no right to punish a pupil for misconduct committed after the dismissal of school for the day and the return of the pupil to his home, yet he may, on the pupil's return to school, punish him for any misbehavior, though committed out of school, which has a direct and immediate tendency to injure the school and to subvert the master's authority. — *Lander v. Seaver*, 32 Vt., 114.

A requirement by the teacher of a district school that the scholars in grammar shall write English compositions is a reasonable one. — *Guernsey v. Pitkin*, 32 Vt., 224.

§ 12. TEXT-BOOKS TO CONTINUE IN USE FIVE YEARS FROM INTRODUCTION. Any text-book or series of text-books on one subject, which, on the tenth day of July, eighteen hundred and seventy-eight, shall have been in established use in any school for a less time than three years, and any which shall be thereafter introduced by the school committee [school board], shall continue in use therein for the term of five years from its introduction, and during that time no other text-book on the same subject shall be used (unless the prices for which new books are stipulated to be sold after their introduction shall be increased by the publishers), excepting that one or more series of readers may be used for supplementary reading. — G. L., c. 89, § 11, p. 217, as amended by Laws of 1883, c. 68, § 1, p. 44.

§ 13. CHANGES OF TEXT-BOOKS. The school committee [school board] may annually direct a change of not more than one of the text-books or series of text-books on one subject, which have been in use five years, in each class of schools kept in town ; but no book shall be introduced

calculated to favor any particular religious or political sect or tenet. — See G. L., c. 89, § 12, p. 217.

§ 14. SCHOOL APPARATUS MAY BE PURCHASED. The superintending school committee [school board] and selectmen in the several towns in the state are hereby authorized and empowered to purchase for the use of their common schools so many copies of the map of New Hampshire as they may deem best, not exceeding one copy for each school, and the maps so purchased shall be paid for out of any money appropriated for school purposes. And the same officers are also empowered to expend, at their discretion, for the use of the schools, one fifth part of the “literary fund” which may annually be assigned any city or town, in the purchase or repair of blackboards, maps, charts, globes, dictionaries, or any apparatus which in their judgment will advance the educational interests of said schools; and that any unexpended portion of such fifth part on hand the first day of March, annually, shall then be passed to the credit of the general school fund of such city or town for the support of schools in same during current year. — G. L., c. 89, § 13, p. 217, as amended by Laws of 1879, c. 53, § 1, p. 365.

§ 15. BOOKS TO BE PROVIDED. The parents, masters, or guardians of the scholars attending school, shall supply such scholars with the books required to be used in the schools; and upon neglect or refusal, after notice, the same shall be furnished by the school committee [school board] at the expense of the town; and the cost of the same shall be added to the next annual tax of such parent, master, or guardian, if able to pay the same.— G. L., c. 89, § 14, p. 217.

§ 16. SCHOOL REGISTER TO BE KEPT. The school com-

mittee [school board] shall furnish to every teacher one of the blank registers required to be furnished by the superintendent of public instruction, and each teacher shall cause all proper entries to be made therein as required by said superintendent; and in the absence of such register he shall keep a record of the names and ages of all the scholars attending his school, the studies pursued by each, and the number of half days each has attended his school. — G. L., c. 89, § 15, p. 217.

§ 17. REGISTER TO BE RETURNED. Every teacher, at the close of his school and at the end of each term thereof, shall make a return of such register or record to the school committee [school board] of the town, who shall give to him a certificate thereof; and no teacher shall receive payment for his services until such certificate is produced and delivered to the prudential committee [school board]. — G. L., c. 89, § 16, p. 218.

In town districts the certificate, if now required, would be given and received by the school board.

The form of such certificate may be : —

This certifies that, a teacher in this district, has returned to us a school register [or record] as required by law.

Witness our hands, at, this of, 188 .

..... } *School Board*
 } *of*
 }

§ 18. SCHOOLS TO BE VISITED. The school committee [school board] shall visit and examine personally, or by a sub-committee by them appointed, each school kept in town, at least twice in each term, near the beginning and toward the close thereof. — G. L., c. 89, § 17, p. 218.

§ 19. ONE OF SCHOOL BOARD CHOSEN TO VISIT. Such school committee [school board] may elect one of their

number to visit and superintend the schools, who shall make report to the committee of his doings, and of the state of the schools, before the first day of March annually. — G. L., c. 89, § 18, p. 218.

§ 20. COMMITTEE TO MAKE REPORT ANNUALLY. The school committee [school board] shall make to the town, at its annual meeting, a report, stating the number of weeks the public schools have been kept in each district, in summer and winter, and what portion by male and what by female teachers; the whole number of scholars that have attended each school, and the number attending to each study; and the whole number of scholars of the town, not less than five years of age, who have attended the district schools in the town not less than two weeks during the year; the number of children of each sex reported by the selectmen or assessors, and the number of children of each sex between the ages of five and fifteen that have not attended school; and the number of persons in each district between the ages of fourteen and twenty-one years who cannot read and write, with such suggestions relative to the schools as they may think useful. — G. L., c. 89, § 21, p. 218.

They must also transmit a copy of their report before the first Wednesday of April annually, to the superintendent of public instruction, with answers to questions proposed by the superintendent. — G. L., c. 92, § 3, p. 224.

The school board, in making their annual report, will find it convenient to make tables as part of this report somewhat after the following forms. Other columns may be added, as, wages of teachers, No. of scholars in each class, etc.

TABLE No. 1.

Name or No. of School.	Terms.	Name of Teacher.	Length of School in weeks.	Whole No. of Scholars.	No. in Arithmetic.	No. in Grammar.*	Average attendance.
School No. 1.	Summer.	Miss A. B.					
	Winter.	Mr. C. D.					
School No. 2.	Summer.	Miss E. F.					
	Winter.	Mr. G. H.					

* Similar columns for other branches.

TABLE No. 2.

Whole No. of scholars not less than 5 years, who have attended school not less than 2 weeks.....	
No. of persons between 14 and 21 unable to read and write.....	
No. of children reported by selectmen or assessors.....	Male.
	Female.
No. of children between 5 and 15 not attending school....	Male.
	Female.
No of visits by school board.....	
No. of visits by citizens.....	
Money raised by law.....	
Literary and railroad fund	
Dog money.....	

§ 21. SCHOOL BOARDS MAY ELECT TRUANT OFFICERS. The superintending school committees [school boards] and boards of education in the several towns and cities of the

state are hereby authorized to elect truant officers for said towns and cities, and to fix their compensation at a reasonable rate, which compensation shall be paid by the respective towns and cities.—Laws of 1881, c. 42, § 1, p. 464.

22. TENURE OF OFFICE. Said truant officers may be discharged by said committees [school boards] for cause, but unless sooner discharged shall hold their offices for one year, or until their successors shall be appointed and qualified.—Laws of 1881, c. 42, § 2, p. 464.

§ 23. DUTIES IN REGARD TO TRUANTS. It shall be the duty of said truant officers, under the direction of said committees [school boards], to enforce the laws of the state and the ordinances of said towns and cities, and the regulations of said committees [school boards] not repugnant to law, in regard to truants and children between the ages of six and sixteen not attending school and without any regular and lawful occupation, and to compel the attendance of such children at school in obedience to law and to the regulations of said committees [school boards].—Laws of 1881, c. 42, § 3, p. 464.

§ 24. DUTIES IN REGARD TO CHILDREN IN MANUFACTURING ESTABLISHMENTS. Said truant officers shall, also, if required by said committees [school boards], enforce the laws in regard to children employed in manufacturing establishments, without attending school as required, and shall perform such service in that behalf as may be required by said committees [school boards].—Laws of 1881, c. 42, § 4, p. 464.

§ 25. PAY OF SCHOOL BOARD. The school committee, [school board] upon satisfying the selectmen that they have attended to the duties and made the reports by law required, shall be entitled to receive such reasonable com-

pensation as the town may determine.—G. L., c. 89, § 22, p. 218.

§ 26. WHAT CONSTITUTES A SCHOOL DAY, WEEK, AND MONTH. In the absence of an express contract, a session of three hours in the forenoon and three hours in the afternoon shall constitute a school day, and five such days a school week, and four such weeks a school month, in the district schools of the state.—Laws of 1883, c. 31, § 1, p. 20.

§ 27. TEACHERS MAY ATTEND INSTITUTES. The time, not exceeding three days in any one term, or five days in one year, actually spent by a teacher of any public school in the state in attendance upon a teachers' institute held in accordance with the laws of the state, under the direction of the superintendent of public instruction, shall be considered time lawfully expended by such teacher in the service of the district where such teacher is employed, and no deduction of wages shall be made for such absences. And it shall be the duty of the school committee [school board] and boards of education to allow teachers to close their school for such attendance upon such institute.—Laws of 1885, c. 84, § 1, p. 278.

§ 28. SUPERINTENDENT ELECTED, WHEN. Any town, by a by-law, and any city, by an ordinance, may provide for the election or appointment in such manner as they think fit, of a superintendent of schools, who shall hold his office for such term, be vested with such of the powers and charged with such of the duties of the school committee and of the prudential committee [school board], and be entitled to such compensation, as may be therein provided; and whenever the superintendent of schools shall perform all the duties of the school committee and the prudential committee [school board], then such com-

mittees [school boards] shall receive no compensation. — G. L., c. 89, § 19, p. 218.

§ 29. ENUMERATION OF CHILDREN TO BE MADE. The selectmen of each town and the assessors of each city shall annually, in the month of April, make an enumeration of the children of each sex, between the ages of five and fifteen, in their respective towns and cities, and shall make a report of such enumeration to the superintending school committee [school board] of their respective towns and cities with [in] fifteen days after the completion of each enumeration. — G. L., c. 89, § 20, p. 218.

The form of the report may be : —

To the school board : —

The undersigned herewith submit to you, within fifteen days after the completion of such enumeration, as required by law, the following report of the enumeration of the children of each sex, between the ages of five and fifteen, in this town, made by us in April, 188 .

Given under our hands, this day of, 188 .

..... } *Selectmen*
 } *of*
 }

NAMES. *

Males.		Females.		Age.
--------	--	----------	--	------

* Alphabetically arranged.

CHAPTER VI.

HIGH SCHOOLS.*

SECTION

1. Powers of high school districts.
2. How formed by towns and districts.
3. Districts may unite to form high school district.
4. May appropriate school money.
5. May raise additional money.
6. High school committee.
7. Prudential committee.
8. School committee, to act when.
9. Vacancy of prudential committee.
10. High school committee's powers.

SECTION

11. High school lot.
12. Voters aggrieved by location may appeal to county commissioners.
13. District failing to agree, county commissioners to locate lot.
14. School committee not to locate lot.
15. Town or district may contract with academy.
16. Special statutes to remain in force.

§ 1. POWERS OF HIGH SCHOOL DISTRICTS. Districts for the support of high schools may be established in any town, which shall have the same powers and be subject to the same rules as other school districts, except so far as they may be changed by this chapter. — G. L., c. 90, § 1, p. 219.

§ 2. HOW FORMED BY TOWNS AND DISTRICTS. Any town, by a major vote in town meeting, or any school district having not less than one hundred children between six and sixteen years of age therein, by vote of two thirds of the legal voters of said district at a legal meeting, may determine to establish a high school, and shall thereby be constituted a high school district; and no high school district so established shall thereafter be discontinued except by a vote of two thirds of the legal voters of said district. — G. L., c. 90, § 2, p. 219, as amended by Laws of 1881, c. 23, § 1, p. 453.

*The compiler assumes that by the enactment of chapter 43 of the Laws of 1885, it was the intention of the legislature to abolish only such division of towns into school districts for the support of common schools as was authorized and defined by vote of the town itself, under chapter 86, section 1, of the General Laws, chapter 43 of Laws of 1885 being entitled an act in amendment of chapter 86 of the General Laws, and the act itself providing that all laws relating to schools not inconsistent with its provisions should remain in force. In accordance with this view and the belief that its provisions are not inconsistent with chapter 43 of the Laws of 1885, the chapter relating to high schools has been retained as being still in force.

The article in the warrant for the district meeting may be: —

To see if said district will, by a vote of two thirds of the legal voters at said meeting, establish a high school.

And the record of the vote may be: —

Upon the article in the warrant it was, on motion of A B, voted to establish a high school in said district, forty having voted in the affirmative and ten in the negative, two thirds of the legal voters of said district at said meeting having voted in the affirmative.

§ 3. DISTRICTS MAY UNITE TO FORM HIGH SCHOOL DISTRICT. Two or more school districts in the same or different towns, by concurring votes of two thirds of the voters present at a legal meeting of each district, may unite in the support of a high school, and shall be a high school district. They shall nevertheless each retain their separate organization for the support of the common schools therein. — G. L., c. 90, § 3, p. 219.

§ 4. MAY APPROPRIATE SCHOOL MONEY. Such town or district may, by vote or by-law, appropriate such part of the school money to which they are entitled as they think fit for the support of the high school, and the same shall be paid to the prudential committee of such high school district, or to the officer or agent of the town or district who is charged with his duties. — G. L., c. 90, § 4, p. 219.

§ 5. MAY RAISE MONEY FOR SUPPORT OF HIGH SCHOOL. Such town or district may, by vote or by-law, raise such sum, in addition to the school tax required by law for the support of such high school, as they shall think proper, which shall be assessed and collected as other school taxes, and paid over to the prudential committee or officer charged with his duties. — G. L., c. 90, § 5, p. 219.

§ 6. HIGH SCHOOL COMMITTEE. A high school committee may be elected by such town or district in the

same manner as school committees may be chosen. — G. L., c. 90, § 6, p. 219.

§ 7. PRUDENTIAL COMMITTEE. — A prudential committee of such district may be chosen, or the high school committee or any other officer or agent of such town or district may, by vote or by-law, be charged with the duties of such prudential committee. — G. L., c. 90, § 7, p. 219.

§ 8. SCHOOL COMMITTEE TO ACT, WHEN. If no high school committee is chosen or appointed, the school committee of the town shall be *ex officio* the high school committee of such district. — G. L., c. 90, § 8, p. 219.

As there is now no school committee, and as the school board elected under chapter 43 of the Laws of 1885 have all the powers of superintending school committees and prudential committees, it would seem advisable that the school board should by vote be made chargeable with the duties both of high school and prudential committee for such high school district.

§ 9. VACANCY OF PRUDENTIAL COMMITTEE. If no prudential committee is chosen, and no person is charged with his duties, or if from any cause there is a vacancy in said office, the selectmen shall fill such vacancy as provided in the case of common school districts. — G. L., c. 90, § 9, pp. 219, 220.

§ 10. HIGH SCHOOL COMMITTEE'S POWERS. The high school committee shall have the entire charge thereof, shall prescribe and ascertain the qualifications of the teachers, prescribe the course of studies, the books to be used, and the qualifications required for admission, and generally shall have the same powers and perform the same duties in regard to such high schools as school committees in relation to common schools. — G. L., c. 90, § 10, p. 220.

§ 11. HIGH SCHOOL LOT. Any high school district may purchase a suitable lot for their schoolhouse, and in case the location of a schoolhouse has been fixed according to

law, and the agents of the district cannot agree with the owner for the purchase of the same, the selectmen may lay out such lot, not exceeding half an acre, as in other cases. — G. L., c. 90, § 11, p. 220.

Under proper articles therefor, the district may locate, by vote, or by adopting the report or acts of a committee chosen or agents selected for that purpose, and may purchase directly or through its agents.

The form of the petition may be : —

To the selectmen of the town of :

The high school district in said town represents that a lot of land not exceeding half an acre, and bounded and described as follows : [here insert boundaries and description], and owned by, of said town, has been legally designated for a schoolhouse lot by said district, by a vote at a meeting duly called or held for that purpose [or, “ by a committee duly appointed by said district for that purpose ”], and the agents of said high school district cannot agree with said owner for the purchase of the same. Wherefore said high school district requests you to lay out said high school house lot, and appraise the damages to the owner.

Dated at said, this day of, 188 .

HIGH SCHOOL DISTRICT, IN

By its agents,

A B,
C D,
E F.

The form of the order, etc., may be : —

A hearing upon said petition is hereby appointed at, in the town of, on the day of next, at .. o'clock in thenoon ; and it is ordered that the petitioner give notice of said petition and hearing to the said, by giving to him, or leaving at his abode, an attested copy of said petition, and this order thereon, fourteen days at least before the said day of hearing.

Given under our hands, this day of, 188 .

..... } *Selectmen*
..... } *of*
..... }

The copy may be attested by the person serving it, as follows : —

A true copy.

Attest :

.....

I certify, that on the day of, 188 , I gave to, within named [or, "I left at the abode of, within named "], an attested copy of the within petition, and orders thereon.

.....

H....., ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....,

Justice of the Peace.

The final order may be : —

Upon the foregoing petition, we appointed a hearing, and gave notice thereof, as aforesaid, and on the day of, 188 , at .. o'clock in thenoon, at, in the town of, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties ; and having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been legally designated for a high school house lot, as stated in said petition, and that the agents of said high school district cannot agree with, the owner of said land, for the purchase of the same ; and we therefore lay out said high school lot, bounded and described as follows, [here insert the boundaries, etc.] for a high school house lot, and appraise the damages to the said owner at the sum of dollars.

Given under our hands, at, this day of, 188 .

..... } *Selectmen*
..... } *of*
..... }

Received and recorded, 188 , at .. o'clock in the noon.

A true record.

Attest :

.....,

Town Clerk.

If the decision is adverse, the report, after the word "oath" may be, "We find that said lot of land has not been legally designated as set forth in said petition, and thereby deny its prayer."

§ 12. VOTERS AGGRIEVED BY LOCATION MAY APPEAL TO COUNTY COMMISSIONERS. In towns constituted high school districts, in accordance with the provisions of law, if any twenty or more voters in any such district are ag-

grieved by the location of any high school house, by the district or its committee, they may apply by petition to the county commissioners of the county, who shall hear and determine the location thereof.—G. L., c. 90, § 12, p. 220.

The petition may be : —

To the county commissioners for the county of :

The undersigned, twenty [and more] legal voters in the high school district in the town of, in said county, respectfully represent that a lot of land in said, bounded and described as follows, [here insert boundaries and description] has been determined upon and selected by said district [or, by a committee of said district] for the location of a high school house lot therefor, and that they are aggrieved by such location. They therefore request you to determine the location of a lot for said high school house.

Dated at said, this day of, 188 .

[Signatures.]

The order, etc., on said petition, may be : —

A hearing upon the said petition is hereby appointed at, in the town of, on the day of next, at . . o'clock in the noon ; and it is ordered that the petitioners give notice of said petition and hearing to the said district by posting an attested copy of said petition, and this order thereon, on the door of the schoolhouse of said district, fourteen days at least before said day of hearing, and leaving a like copy at the abode of the clerk a like time before said day of hearing.

Given under our hands, this day of, 188 .

. } *County Commissioners*
. } *for the*
. } *County of*

The copy may be attested by the person serving it as : —

A true copy.

Attest :

I certify that on the day of, 188 , I posted an attested copy of said petition and order on the door of the school-house in the school district within mentioned, and on the same day I left a like copy at the abode of the clerk of said district.

.

H..... ss., 188 .

Then appeared, and made oath that the above certificate by him signed is true.

Before me,

.....
Justice of the Peace.

The final order may be : —

Upon the foregoing petition we appointed a hearing, and gave notice thereof as aforesaid, and on the day of, 188 , at .. o'clock in thenoon, at, in the town of, the time and place appointed, [here insert the names of those who appeared as parties] appeared as parties ; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that the lot of land described in said petition has been determined upon and selected by said district [or, by a committee of said district] for the location of such schoolhouse ; that said petitioners, being twenty and more legal voters in said district, are aggrieved by such location, and we therefore determine that the location of said schoolhouse shall be upon a lot of land bounded and described as follows : [Insert boundaries and description.]

Given under our hands, at, this day of, 188 .

..... } *County Commissioners*
..... } *for the*
..... } *County of*

Received and recorded, 188 , at .. o'clock in the noon.

A true record.

Attest :
Town Clerk.

If the decision is adverse, the report, after the word "oath" may be: "We find that said petitioners are not aggrieved by such location, and we therefore make no change."

§ 13. IF DISTRICT FAIL TO AGREE, COMMISSIONERS TO LOCATE. If, at a meeting duly holden for the purpose, any such high school district do not agree upon a location for a high school house therein, or upon a committee to locate the same, the county commissioners, upon petition of twenty or more voters, shall determine the location.— G. L., c. 90, § 13, p. 220.

The petition may be: —

To the county commissioners for the county of :

The undersigned, twenty [and more] legal voters in the high school district in the town of, in said county, respectfully represent, that, at a meeting of said district, duly called and held therefor on the day of, 188 , said district failed to agree upon a location for a high school house therein, or upon a committee to locate the same. They therefore request you to determine the location of a lot for said high school house.

Dated at said, this day of, 188 .

[Signatures.]

The order of notice, attestation, return, and jurat, should be the same as *ante*.

The final order may be: —

Upon the foregoing petition we appointed a hearing, and gave notice thereof as aforesaid, and on the day of', 188 , at . . . o'clock in thenoon, at, in the town of, the time and place appointed, [here insert the names of those who appeared as parties], appeared as parties; and, having heard all parties interested who attended and desired to be heard, and all evidence offered by them, and examined them and their witnesses under oath, we find that, at a meeting of said district duly called and held therefor, the said district failed to agree upon a location for a high school house therein, or upon a committee to locate the same, as stated in said petition, said petitioners being twenty and more legal voters in said district; and we therefore determine that said location shall be upon a lot of land bounded and described as follows: [Here insert boundaries and description.]

Given under our hands, at, this day of, 188 .

. } County Commissioners
. } for the
. } County of

Received and recorded, 188 , at .. o'clock in the noon.

A true record.

Attest:

.,
Town Clerk.

§ 14. SCHOOL COMMITTEE NOT TO LOCATE. The school committee of any town duly constituted a high school

district, shall not have jurisdiction to determine the location of a high school house in such district. — G. L., c. 90, § 14, p. 220.

§ 15. TOWN OR DISTRICT MAY CONTRACT WITH ACADEMY, ETC. Any town or school district in this state is hereby authorized and empowered to conclude such business arrangement through its special committee, with the trustees of any academy, seminary, or other literary institution situated within the limits of the town, as said district or town at a legal meeting may approve by a two thirds vote of the voters present and voting; and the school money of said town or district may be used to carry out such contract. In case one of the contracting parties shall be a school district or union school district, then the consent in writing of the school committee of the town shall be required before such agreement shall be in force. — G. L., c. 90, § 15, p. 220.

§ 16. SPECIAL STATUTES TO REMAIN IN FORCE. All statutes heretofore passed applying to particular places or districts, relating to schools or the committees or officers thereof, now in force, shall remain in force until repealed, altered, or suspended. — G. L., c. 90, § 16, p. 220.

CHAPTER VII.

SCHOLARS.

SECTION

1. Scholars, who are.
2. Children not to attend school unless vaccinated.
3. Scholars may be dismissed for misconduct.
4. Scholars assigned to schools not to attend others.
5. Penalty for attending school without right.
6. Town may make by-laws concerning truants.
7. Offenders may be sent to industrial school.
8. Offenders in default of fine committed to industrial school.
9. Offenders may give bond.
10. Children under ten years not to be employed by manufacturing corporation; penalty.

SECTION

11. Fine, to whom paid.
12. Prosecution to be within one year.
13. Children under sixteen not to be employed unless.
14. Children under fourteen.
15. Penalty for employing children under sixteen.
16. Parents to send children to school.
17. Notices of duty of parents to be posted by school board.
18. Penalty for parents, violating the law, how recovered.
19. Persons disturbing school, how punished.
20. Duty of school board as to suits to recover penalties.

§ 1. SCHOLARS, WHO ARE. No person shall have a right to attend school, or to send any scholar to the school, in any district of which he is not an inhabitant, without the consent of the district or of the prudential committee [school board]. — G. L., c. 91, § 1, p. 221.

In districts composed of the whole town, under Laws of 1885, c. 43, the school board have all the powers of prudential committees.

Residence in the district must be *bona fide*, and not fraudulent or for the purpose of obtaining schooling by evasion of the statute. — District *v.* Bragdon, 23 N. H., 507.

The minor children of paupers, supported at a county poor-farm, have the right to attend the public school in the district in which such county farm is located. — District *v.* Pollard, 55 N. H., 503.

Residence there for the purpose of schooling is not the residence declared essential for taxation, or the exercise of the right of suffrage. — *Ib.*, p. 504.

Each district may determine upon what terms scholars from other districts or towns may be admitted into their schools. If the district neglect to make such determination, the prudential committee may do it. — G. L., c. 86, § 19, p. 208.

§ 2. MUST BE VACCINATED. No child, unless he has been duly vaccinated or has had the small-pox, is entitled to attend any public school; and the prudential committees of the several districts, and those who exercise the powers of such committees, shall not allow any such child to be admitted to or connected with any such school. — G. L., c. 91, § 2, p. 221.

§ 3. SCHOLARS DISMISSED FOR MISCONDUCT. Any scholar may be dismissed from school by the school committee [school board] for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school: and shall have no right to attend the school till restored by the school committee [school board].—G. L., c. 91, § 3, p. 221.

Scholars may also be dismissed for misconduct out of school and school hours, if of a tendency to injure the school.—*Sherman v. Charlestown*, 8 Cush., 160; *Lander v. Seaver*, 32 Vt., 114.

The power of expulsion vested in the school committee does not take from the master the right to use force, if necessary, to maintain his authority; and he may call upon others to assist him.—*Stevens v. Fassett*, 27 Me., 266.

As to the power of a teacher to punish a pupil for misconduct out of school hours, the supreme court, in the case of *Lander v. Seaver*, lay down the general rule as follows:—

“It is conceded that his [the teacher’s] right to punish extends to school hours; and there seems to be no reasonable doubt that the supervision and control of the master over the scholar extend from the time he leaves home to go to school till he returns home from school. Acts done to deface or injure the schoolroom, to destroy the books of scholars, or the books or apparatus for instruction, or the instruments of punishment of the master; language used to other scholars, to stir up disorder and insubordination, to heap odium and disgrace upon the master; writings and pictures placed so as to suggest evil and corrupt language, images, and thoughts to the youth who must frequent the school,—all such or similar acts tend directly to impair the usefulness of the school, the welfare of the scholars, and the welfare of the master, and if committed after the dismissal of the school for the day, and the return of the pupil to his home, yet he may, on the pupil’s return to school, punish him for any misbehavior, though committed out of school, which has a direct and immediate tendency to injure the school and subvert the master’s authority.”

When a person over twenty-one years of age attends as a scholar, the teacher has the same authority over him as over the others.—*Stevens v. Fassett*, 27 Me., 266.

A requirement by the teacher of a district school that scholars in grammar shall write English compositions, is a reasonable one, and if the scholar refuse he may be expelled.—*Guernsey v. Pitkin*, 32 Vt., 224.

The rules and regulations for the management and discipline of the schools are required to be recorded by the town clerk, in accordance with the provisions of chapter 89, section 10, of the General Laws. Whether or not the school board would have authority to dismiss a scholar for violation of any rule not recorded, has not been decided by the courts of this state; neither has the question been decided how much authority a member of the school board may exercise in this direction in the absence of any rule.

In the case of *Hodgkins v. Rockport*, 105 Mass., it was decided that “The school committee has authority not subject to revision, if exercised in good faith, to exclude a pupil from a public school for misconduct which injures its discipline and management; and the expulsion of such a pupil from the school by a part of the committee, unanimously ratified afterwards by the full committee, is not an irregularity in the exercise of the authority.” The court in delivering the opinion in this case said: “Much of the power of the committee, as to the preservation of order and discipline, must necessarily be delegated to its different members and the teachers, and must be exercised without any vote or record. We have no doubt that they may send a scholar out of school if the exigencies of the case require it, subject to the future action of the committee.”

In the case of *Russell v. Linnfield*, 116 Mass., 365, where one member of the school committee of a town made a rule which was subsequently assented to by the other members of the committee, and for a violation of the rule a scholar was excluded from the school, it was held that the scholar was not unlawfully excluded, although there was no record made of the order of the

committee. In this case the court said: "The school committee are required to have the general charge and superintendence of all the public schools in town, and to keep a record of their votes, orders, and proceedings. But this does not imply that all rules and orders required for the discipline and good conduct of the schools shall be matter of record with the committee, or that every act in regard to the management of each school in these respects should be authorized or confirmed by formal vote. It would be practically impossible sufficiently to provide for such matters by a system of rules, however carefully prepared and promulgated. Much must necessarily be left to the individual members of the committee and to the teachers of the several schools."

In the case of *State v. Burton*, 45 Wis., 150, it is held that in matters where the board of control of public schools have made no regulations for the government of the schools, the teachers stand *in loco parentis*, and have inherent power to suspend pupils for cause. And in the discussion of the case the court say: "In the school, as in the family, there exists on the part of the pupils the obligations of obedience to lawful commands, subordination, civil deportment, respect for the rights of other pupils, and fidelity to duty. These obligations are inherent in any proper school system, and constitute, so to speak, the common law of the school. Every pupil is presumed to know this law, and is subject to it, whether it has or has not been re-enacted by the district board in the form of written rules and regulations. Indeed, it would be impossible to frame rules which would cover all cases of insubordination and all acts of vicious tendency which the teacher is liable to encounter daily and hourly."

§ 4. SCHOLARS ASSIGNED TO SCHOOLS NOT TO ATTEND OTHERS. No scholar who shall have been assigned to a particular school by vote of the district, or by the committee authorized by the district to assign the scholars to particular schools, shall have the right to attend any other school in the district until assigned thereto. — G. L., c. 91, § 4, p. 221.

See G. L., c. 86, §§ 20, 21, p. 208; (c. 2, §§ 17, 18 *ante*.)

§ 5. PENALTY FOR ATTENDING SCHOOL WITHOUT RIGHT. If any scholar, after notice, shall attend or visit a school which he has no right to attend, or shall interrupt or disturb the same, he shall be fined for the first offense five dollars, and for the second offense he shall be fined ten dollars, or be imprisoned not exceeding thirty days. — G. L., c. 91, § 5, p. 221.

§ 6. TOWN MAY MAKE BY-LAWS CONCERNING TRUANTS. Any town may make by-laws concerning habitual truants and children not attending school, without any regular and lawful occupation, between the ages of six and sixteen years, and to compel the attendance of such children at school, not repugnant to law: and may annex penalties for

the breach thereof not exceeding ten dollars for each offense. — G. L., c. 91, § 6, p. 221.

§ 7. OFFENDERS MAY BE SENT TO INDUSTRIAL SCHOOL. Any offender against such by-laws, upon conviction, may, instead of such fine, be sentenced to the reform school [industrial school] for a term not exceeding one year. — G. L., c. 91, § 8, p. 221.

§ 8. OFFENDERS IN DEFAULT OF FINE MAY BE COMMITTED TO INDUSTRIAL SCHOOL. Any such offender, on conviction and sentence to pay such fine, may, in default of payment, be committed to the reform school [industrial school] till the same be paid or he is otherwise discharged; but the court or justice imposing such sentence may at any time discharge such offender, on proof that he is unable to pay said fine, and has no parent, guardian, or person chargeable with his support, able to pay it. — G. L., c. 91, § 9, p. 222.

§ 9. OFFENDER MAY GIVE BOND. Such offender so convicted may give bond to the town in the penal sum of twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly some district or other school kept in such town, for one term next ensuing, when the same is kept, to comply with the regulations thereof, and to be obedient and respectful to the teacher; and his fine may thereupon be remitted by such court or justice on payment of the costs. — G. L., c. 91, § 10, p. 222.

§ 10. CHILDREN UNDER TEN YEARS OF AGE NOT TO BE EMPLOYED BY MANUFACTURING CORPORATION; PENALTY. No child under the age of ten years shall be employed by any manufacturing corporation in this state; and any agent, superintendent, or overseer, in any corporation, who willfully employs, or permits to be employed, any

child in violation of this act, shall, for such offense, be fined not less than twenty dollars nor more than one hundred dollars. — Laws of 1879, c. 21, § 1, p. 340.

§ 11. FINE, TO WHOM PAID. Such fine shall be paid, one half to the complainant, and the other half to the use of the county where the offense was committed. — Laws of 1879, c. 21, § 2, p. 340.

§ 12. LIMITATION. No prosecution under this act shall be sustained one year after the offense is committed. — Laws of 1879, c. 21, § 3, p. 340.

§ 13. CHILDREN UNDER SIXTEEN NOT TO BE EMPLOYED UNLESS. No child under sixteen years of age shall be employed in any manufacturing establishment, unless he has attended some public school, or private day-school where instruction was given by a teacher competent to instruct in the branches taught in common schools, at least twelve weeks during the year preceding; and no child under said age shall be employed, except in vacation of the school in the district in which he resides, who cannot write legibly and read fluently in readers of the grade usually classed as third readers. — G. L., c. 91, § 11, p. 222, as amended by Laws of 1881, c. 56, § 1, p. 475.

§ 14. CHILDREN UNDER FOURTEEN. No child under the age of fourteen years shall be employed as aforesaid unless he has attended school as aforesaid at least six months during the year preceding, or has attended the school of the district in which he dwelt the whole time it was kept during such year; and no child under twelve years of age shall be so employed unless he has attended the school of the district in which he dwelt the whole time it was kept during the year preceding. — G. L., c. 91, § 12, p. 222, as amended by Laws of 1881, c. 56, § 2, p. 475.

§ 15. PENALTY FOR EMPLOYING CHILDREN UNDER SIXTEEN. The owner, agent, or superintendent of any manufacturing establishment, or any person connected therewith, who shall employ in such establishment any child under the age of sixteen years, without having a certificate signed by a majority of the school committee [school board] of the town or city in which the child resides, or by such person or persons as they may designate for that purpose, that such child has attended school, as required by sections eleven and twelve [§§ 13 and 14, *ante*] of this chapter, shall be fined not exceeding twenty dollars for each offense.—G. L., c. 91, § 13, p. 222, as amended by Laws of 1881, c. 56, § 3, p. 475.

§ 16. PARENTS TO SEND CHILDREN TO SCHOOL. Every parent, guardian, master, or other person having the custody, control, or charge of any child between the ages of eight and fourteen years, residing in any school district in which a public school is annually taught for the period of twelve weeks or more within two miles by the nearest traveled road from his residence, shall cause such child to attend such public school for twelve weeks at least in every year, six weeks at least of which attendance shall be consecutive, unless such child shall be excused from such attendance by the school committee [school board] of the town, or the board of education of such district, upon its being shown to their satisfaction that the physical or mental condition of such child was such as to prevent his attendance at school for the period required, or that such child was instructed in a private school or at home for at least twelve weeks during such year in the branches of education required to be taught in the public schools, or, having acquired those branches, in other more advanced studies.—G. L., c. 91, § 14, p. 222.

§ 17. NOTICES TO BE POSTED BY SCHOOL BOARD. The

school committee of every town shall supply the prudential committee of every district with notices of the provisions of the preceding section, particularly calling the attention of parents, guardians, masters, and others thereto; and it shall be the duty of said prudential committee to post, and keep posted such notices, not exceeding three, in the most public places in such district, and the necessary expense of procuring such notices shall be paid by the town. — G. L., c. 91, § 15, p. 222.

As there are now no prudential committees and as the school board have all the duties of superintending school committee and prudential committee to perform, it would probably be considered a substantial compliance with the law if the school board should procure and post the notices as above provided.

§ 18. PENALTY ON PARENTS, ETC., HOW RECOVERED. Any parent, guardian, master, or other person violating the provisions of the fourteenth section of this chapter [§ 16, *ante*] shall forfeit and pay the sum of ten dollars for the first offense and the sum of twenty dollars for the second and every subsequent offense, to be recovered in an action of debt in the name of the district within whose limits the penalty was incurred, by the school committee [school board] of the town or board of education of such district. All penalties recovered shall be paid to the district and added to the school money thereof. — G. L., c. 91, § 16, p. 223.

§ 19. PERSONS DISTURBING SCHOOL, HOW PUNISHED. Any parent, guardian, or other person, not a member of the school, who shall willfully interrupt or disturb any school, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days. — G. L., c. 91, § 17, p. 223.

§ 20. DUTY OF SCHOOL BOARD AS TO SUITS TO RECOVER PENALTIES. School committees [school boards] and boards of education, respectively, shall sue for all penalties in-

incurred under and institute prosecutions for all violations of the provisions of this chapter, and any school committee [school board] or board of education to whom information has been furnished of any case in which any such penalty has been incurred, who shall neglect for ten days after receiving such information to bring a suit for the recovering thereof, unless such penalty shall sooner be paid without a suit, or unless upon investigating the matter during that time they shall become satisfied that they have been misinformed, and that no such penalty has actually been incurred, shall forfeit and pay the sum of twenty dollars for each neglect, to be recovered by the selectmen of the town, in an action of debt in the name of the town: such penalty, when recovered, to be paid to the district in which the original penalty was incurred, and added to the school money thereof. All necessary expenses arising from prosecutions instituted in enforcing the provisions of this chapter, shall be paid out of the town treasury. — G. L., c. 91, § 18, p. 223, as amended by Laws of 1885, c. 69, § 1, pp. 269, 270.

CHAPTER VIII.

SUPERINTENDENT OF PUBLIC INSTRUCTION AND TEACHERS' INSTITUTES.

SECTION

1. Superintendent of public instruction, how appointed, and tenure of office.
2. Duties prescribed.
3. School boards to report to superintendent.
4. Penalty for neglect.
5. Superintendent's report, how distributed.
6. Superintendent to deliver lectures upon educational subjects.
7. Lectures, where to be delivered and number.

SECTION

8. Teachers' institutes to be held by superintendent.
9. Normal school teachers to attend institutes.
10. Superintendent when unable to attend institutes to appoint some person to conduct same.
11. Expenses of institutes provided for.
12. Expenses of institutes, how paid.
13. Accounts of superintendent to be audited.
14. Salary of superintendent.

§ 1. SUPERINTENDENT OF PUBLIC INSTRUCTION, HOW APPOINTED. The governor and council shall appoint a super-

intendent of public instruction, who shall hold his office for the term of two years, and shall have general supervision and control of the educational interests of the state.—G. L., c. 92, § 1, p. 223.

§ 2. DUTIES PRESCRIBED. The superintendent of public instruction shall prescribe the form of register to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school committees [school boards], and seasonably send the same to the clerks of the several towns and cities for the use of the several school committees [school boards] therein; and shall receive, preserve, or distribute all state documents in regard to public schools or education, and receive and arrange in his office reports and returns of school committees [school boards]: shall investigate the condition and efficiency of the system of popular education in this state: shall pursue such a course for the purpose of awakening and guiding public sentiment in relation to the practical interests of education as may seem to him best and the nature of the duties of the office will permit; and shall annually make a report, containing such a concise abstract of the returns of the school committees [school boards] as he may deem useful, a detailed report of his own doings, and the condition and progress of popular education in the state, and such suggestions and recommendations in regard to improving the same as his information and judgment may dictate: and shall discharge such other duties as may be assigned him by law.—G. L., c. 92, § 2, pp. 223, 224.

§ 3. SCHOOL BOARDS TO SEND TO SUPERINTENDENT A COPY OF THEIR REPORT. The school committee [school board] of each town shall, before the first Wednesday of April, annually transmit to the superintendent of public instruction a copy of the report by them presented to the town,

and answers, according to the forms provided, to all such questions, as may be proposed by said superintendent of public instruction relating to the appropriations of school money received, the studies pursued in the schools, the methods of instruction and discipline adopted, the condition of schoolhouses, and any other subject relating to schools. — G. L., c. 92, § 3, p. 224.

§ 4. PENALTY FOR NEGLECT. The school committee [school board] of any town who shall neglect to make the return aforesaid, agreeably to the preceding section, shall be fined not exceeding fifty dollars. — G. L., c. 92, § 4, p. 224.

§ 5. SUPERINTENDENT'S REPORT, HOW DISTRIBUTED. The superintendent of public instruction shall procure, under authority of the secretary of state, and at the expense of the state, four hundred copies of the report to be printed yearly, and lay them before the general court, to be disposed of at their discretion, one hundred copies for the purpose of exchange with other states and for distribution among the friends of education, and one additional copy for each town, ward, and incorporated place having ten legal voters. — G. L., c. 92, § 5, p. 224.

It is also the duty of the superintendent of public instruction, in his annual report, to state the condition of the State Normal School, the terms of admission and graduation, and the times of the commencement of the sessions; and to cause to be printed on the cover of the school register a statement of the terms of admission and graduation, and the times of the commencement of the sessions of the school. — G. L., c. 93, § 4, p. 225; see c. 9, § 34, *post*.

§ 6. SUPERINTENDENT TO VISIT AND LECTURE IN TOWNS. The state superintendent of public instruction shall visit and lecture upon educational subjects in as many towns and cities of the state during each term of his office as the time occupied by his other official duties will permit. — Laws of 1881, c. 76, § 1, p. 489.

§ 7. SUPERINTENDENT TO VISIT AS MANY TOWNS AS PRACTICABLE. It shall be the duty of the said superintendent to

visit each town in the state as often as is practicable, the number of towns so visited and the number of lectures given not to be less than seventy-five each year; and the first seventy-five lectures given each year shall be in those towns having the smallest number of inhabitants, and the lectures during each year shall be distributed among the different counties, so that each part of the state may receive its proportionate share of attention.—Laws of 1881, c. 76, § 2, p. 489.

§ 8. **TEACHERS' INSTITUTES TO BE HELD ANNUALLY IN EACH COUNTY.** It shall be the duty of the state superintendent of public instruction, in addition to his other duties, to organize, superintend, and hold at least one teachers' institute each year in each county of the state, and to appoint the time and place, and make suitable arrangements therefor.—Laws of 1883, c. 73, § 1, p. 49.

§ 9. **NORMAL SCHOOL TEACHERS TO ATTEND INSTITUTES.** It shall be the duty of the principal and teachers of the state normal school to assist and give instruction at said institutes, so far as they can without interfering with their duties in said normal school; and the superintendent of public instruction and the principal and teachers of the state normal school shall receive no additional compensation, except for travel and other actual and necessary expenses, while so employed.—Laws of 1883, c. 73, § 2, p. 49.

§ 10. **SUPERINTENDENT WHEN UNABLE TO ATTEND INSTITUTES TO APPOINT SOME PERSON TO CONDUCT.** The superintendent of public instruction, in case he is unable for any cause to conduct in person any institute, or to make the necessary arrangements therefor, shall appoint the principal of the state normal school, or some other suitable person, for that purpose.—Laws of 1883, c. 73, § 3, p. 49.

§ 11. EXPENSES OF INSTITUTES PROVIDED FOR. For the purpose of defraying the necessary expenses of such institutes, the state treasurer is hereby authorized and instructed to invest, as a permanent institute fund, the proceeds of the sale of the state lands, effected under the authority of a joint resolution approved June 28, 1867, and which by a subsequent act, approved July 3, 1868, was set apart for the purposes of common school education, in such way and manner as the legislature might determine, and the annual income of said funds shall be and is hereby set apart for the support of teachers' institutes. — Laws of 1883, c. 73, § 4, p. 49.

§ 12. HOW PAID. The superintendent of public instruction may draw upon the state treasurer each year for such part of the annual income of said institute fund as may be necessary to defray necessary expenses of such institutes, and for procuring suitable instruction and lectures for the same. — Laws of 1883, c. 73, § 5, p. 49.

§ 13. ACCOUNTS OF SUPERINTENDENT TO BE AUDITED. The account of the superintendent of public instruction for the expenses of said institutes shall be audited each year by the governor and council, and said superintendent shall incorporate in his annual report a report of said institutes, and his account for the expenses of the same. — Laws of 1883, c. 73, § 6, p. 50.

§ 14. SALARY OF SUPERINTENDENT. That the state superintendent of public instruction shall receive in full for salary and expenses, other than clerk hire, the sum of twenty-five hundred dollars per annum; and shall occupy as an office such portion of the state house as the governor and council may deem expedient. — G. L., c. 92, § 6, p. 224, as amended by Laws of 1885, c. 77, § 1, p. 275.

CHAPTER IX.

STATE NORMAL SCHOOL.

SECTION

1. Normal school continued; its object; instruction therein.
2. Trustees of school and their duties.
3. Courses of study prescribed.
4. Superintendent of public instruc-

SECTION

- tion to report condition of school.
5. Tuition free conditionally.
6. Trustees to make contracts for free tuition.
7. Annual appropriation for school.

§ 1. NORMAL SCHOOL CONTINUED; ITS OBJECT. The New Hampshire State Normal School, as heretofore established and located at Plymouth, is hereby further established and continued for the training of teachers for the common schools of the state. The instruction in said school shall be confined to such branches as will specially prepare the pupils to teach in said common schools, and to such branches as are usually taught in normal schools; and the school shall be in session at least twenty weeks in each year. — G. L., c. 93, § 1, p. 225.

§ 2. TRUSTEES OF SCHOOL AND THEIR DUTIES. The management of said school shall be vested in a board of trustees, composed of the governor, the superintendent of public instruction, and five persons, to be appointed by the governor, with the advice and consent of the council, and to hold said office two years. Said board shall choose from its members a president and secretary of the board, and such committees and other officers as may be necessary to transact its business, but may choose a person for treasurer who is not a member of the board. Said trustees shall receive no compensation for their services, but shall be paid their reasonable expenses while engaged in the performance of their duties. They shall select and employ a principal teacher for the school, who shall be allowed, with their advice and consent, to select the assistants, and provide for the discipline of the school, and

they shall have the general management, supervision, and control of the school. They shall meet at least once in each year, when it shall be the duty of all to be present. — G. L., c. 93, § 2, p. 225, as amended by Laws of 1879, c. 45, § 1, p. 360.

§ 3. COURSES OF STUDY PRESCRIBED. The trustees, with the principal of the school, shall arrange two courses of study for the school, and control the examinations for admission and graduation. One course of study shall include all branches required by law to be taught in the common schools of New Hampshire, and shall require for its completion at least one school year. The other course shall include the higher branches, in addition to those included in the first course, and shall require for its completion at least two school years. Certificates of graduation shall be issued to those who pass the required examinations in these several courses. — G. L., c. 93, § 3, p. 225.

§ 4. SUPERINTENDENT OF PUBLIC INSTRUCTION TO REPORT CONDITION OF SCHOOL. The superintendent of public instruction, in his annual report, shall state the condition of the school, the terms of admission and graduation, and the times of the commencement of the sessions; and shall cause to be printed on the cover of the school register a statement of the terms of admission and graduation, and the times of the commencement of the sessions of the school. — G. L., c. 93, § 4, p. 225.

§ 5. TUITION FREE CONDITIONALLY. Tuition and graduation in the state normal school shall be free to all those completing either or both of its prescribed courses of study, upon condition that they shall, in consideration thereof, agree to teach in the schools of this state for a period equal to the time of said course or courses of study so completed. — G. L., c. 93, § 5, p. 226.

§ 6. TRUSTEES TO MAKE CONTRACTS FOR FREE TUITION. The trustees of said school shall make such provisions for the making, entering into, and carrying out suitable and proper contracts or agreements with those desiring free tuition, as shall carry out the provisions of the preceding section. — G. L., c. 93, § 6, p. 226.

It is the duty of the principal and teachers of the school to assist and give instruction at teachers' institutes so far as they can without interfering with their duties in the school; but while so employed are not to receive additional compensation except for travel and other actual and necessary expenses. — Laws of 1883, c. 73, § 2, p. 49; see c. 8, § 9, *ante*.

§ 7. ANNUAL APPROPRIATION FOR SCHOOL. The sum of five thousand dollars is annually appropriated for the maintenance of said school, said sum to be expended as the trustees of said school shall direct. — Laws of 1879, c. 45, § 2, p. 360.

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